DOCUMENT RESUME

ED 103 145 RC 008 370

TITLE	Sovereignty and Inter-governmental Relations with Arizona Indian Tribes--A Report on the Indian Town Hall (2nd, White Mountain Apache Reservation, August 20-22, 1974).
INSTITUTION	Arizona Commission of Indian Affairs, Phoenix.
PUB DATE	Jan 75
NOTE	68p.; Not available in hard copy due to marginal legibility of original document
EDRS PRICE	MF-$0.76 HC Not Available from EDRS. PLUS POSTAGE
DESCRIPTORS	*American Indians; Conference Reports; Educational Legislation; *Individual Power; *Interaction; Justice; Law Enforcement; Self Actualization; *State Government; *Tribes
IDENTIFIERS	*Arizona

ABSTRACT

Established by the Arizona legislature in 1953 and serving as official link between tribal autonomies and State government, the Arizona Commission of Indian Affairs has recently sponsored its second conference, the proceedings of which constituted this report. Conference participants, forming two panel discussion groups, represented the Ak-Chin, Camp Verde, Cocopah, Colorado River, Fort Apache, Fort McDowell, Gila River, Hopi, Havasupai, Hualapai, Kaibab-Paiute, Navajo, Papago, Salt River, San Carlos, Yavapai Prescott, Quechan, and Mohave reservations. Individual speakers addressed the following topics: "Sovereignty Relating to Law and Order: Jurisdiction" (field solicitor, U.S. Solicitor's Office, Phoenix); "Indian Education Financing: Johnson O'Malley and Other" (superintendent of public instruction, Phoenix); "Sovereignty, Is It Real" (president, National Congress of American Indians); "Inter-governmental Relationships with the Arizona Tribes" (Arizona attorney general); "Law Enforcement and Jurisdiction" (Navajo County sheriff); "How Do We Protect Tribal Sovereignty" (governor, Zuni Reservation); and "Arizona Justice Planning" (Arizona Indian justice specialist). A State and Federal recap concluded the conference proceedings. (JC)

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"Sovereignty & Inter-governmental Relations With Arizona Indian Tribes"

—A Report on the 2nd Indian Town Hall

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F O R E W O R D

The Arizona Commission of Indian Affairs was established by the Arizona Legislature in 1953. The primary purpose of the Commission has been to study conditions among Indians residing within the State.

The Commission serves as the official link between the unique tribal autonomies and the State government, its legislature and elected officials.

A very important area of our responsibility has been to improve communications, understanding and working relationships between all concerned, and we have diligently been working to this extent.

Another goal is to promote understanding and fellowship in the area of Indian affairs, and we feel the information contained in this report will prove to be encouraging and enlightening due to the critical area of "Sovereignty and Inter-Governmental Relations with Arizona Indian Tribes," is a key to a productive future for all.

The Commission has sponsored two conferences thus far, one on Indian Water Rights and this one on Indian Sovereignty.

The success of the conferences has been in the participants achieving a better understanding of the Indian and non-Indian point of view on the specific topics.

The Commission is appreciative of all those who assisted in making the conference a productive one.

Sincerely,

ANTHONY DRENNAN, SR.
Chairman
Anthony Drennan Sr.

CLINTON M. PATTEA
Executive Secretary
Clinton M. Pattea

TD:CMP/pa
January 24, 1975

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ARIZONA COMMISSION OF INDIAN AFFAIRS
1645 W. Jefferson - Phoenix, Arizona
85007

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ARIZONA COMMISSION OF INDIAN AFFAIRS

A G E N D A

"SOVEREIGNTY & INTER-GOVERNMENTAL RELATIONSHIPS WITH ARIZONA'S INDIAN TRIBES"

PLACE: SUNRISE PARK HOTEL
WHITE MOUNTAIN APACHE RESERVATION

AUGUST 20th (Tuesday)	REGISTRATION 6:00 - 9:00 P.M. Hotel Lobby
	Welcoming Hostess: Mrs. Leona Kakar, Commission Vice-Chairwoman
AUGUST 21st (Wednesday)	
9:00 A.M.	Meeting called to order - Chairman Anthony Drennan, Sr. Welcoming Remarks - Mr. Ronnie Lupe, Ft. Apache Chrm.
9:10	Opening Remarks - The Honorable Jack Williams, Governor
9:30	Brief Remarks - Mr. Elmer Savilla, President Arizona Inter-Tribal Council
9:40 - 10:40	(Moderator - Clinton Pattea, Commission Executive Sec.) 1st Panel: Sovereignty & Inter-Governmental Relations Tribal Leaders
	Ak-Chin - Mr. Wilbert Carlyle Camp Verde - Mr. Ted Smith Cocopah - Mr. Robert Barley Colorado River - Mr. Anthony Drennan, Sr. Fort Apache - Mr. Ronnie Lupe Fort McDowell - Mr. Ben Kill Gila River - Mr. Alexander Lewis, Sr. Hopi - Mr. Abbott Sekaquaptewa
10:40 - 11:40	2nd Panel: Havasupai - Mr. Oscar Paya Hualapai - Mr. Sterling Mahone Kaibab-Paiute - Mr. Bill Tom Navajo - Mr. Peter MacDonald Papago - Mr. Jacob Escalante Salt River - Mr. Paul Smith San Carlos - Mr. Buck Kitcheyan Yavapai-Prescott - Mrs. Patricia McGee Quechan - Mr. Elmer Savilla Mohave - Mr. Llewellyn Barrackman
12:00 - 1:00 P.M.	(Moderator - Daniel Peaches, Commission Member) Luncheon Speaker - Mr. Jerry Foster, Corporate Pilot KOOL Radio
1:00 - 1:30 P.M.	(Moderator - Lance Grey, Commission Member) Mr. William Lavell, Field Solicitor (Phoenix Area) U. S. Solicitor's Office - Phoenix "Sovereignty relating to law and order - jurisdiction"

AUGUST 21st (CONTINUATION)

1:30 - 2:00 P.M.	Dr. Weldon Shofstall, Superintendent of Public Instruction, Phoenix "Indian Education Financing - Johnson O'Malley & other"
2:00 - 2:30 P.M.	Mr. Mel Tonasket, President - National Congress of American Indians, Washington "Sovereignty is it real"
2:30 - 3:00	Mr. N. Warner Lee, Arizona Attorney General "Inter-governmental relationships with the Arizona Tribes"
3:00 - 3:30	Mr. Marlin Gillespie, Navajo County Sheriff "Law enforcement and jurisdiction"
3:30 - 4:00	Mr. Robert Lewis, Governor - Zuni Reservation "How do we protect tribal sovereignty"
4:00 - 4:30	Mr. Evans Nuvamsa, Arizona Indian Justice Specialist, Phoenix "Arizona Justice Planning"
4:30 - 6:45 P.M.	Break
7:00 - 9:00 P.M.	(Moderator - Chairman Anthony Drennan, Sr.) Banquet (Buffet) Speaker: Mr. Sam Deloria, Director American Indian Law School, New Mexico Law School, Albuquerque, New Mexico White Mountain Apache Crown Dancers (if available)

AUGUST 22nd (Thursday)

8:00 A.M.	Brief Opening Remarks - Mr. Mike Rios, Commission Mbr.
8:15 - 11:40 A.M.	Break into Panel Discussions (Panel designation sheet in conference packet) Meeting rooms announced (1) (2) (3) Panel Chairmen: Mike Rios Dan Peaches Lance Grey Recorders: Tony Machukay Andy Bettwy Leon Eene
12:00 - 1:30 P.M.	(Moderator - Lester Ruffner, Commission Member) Luncheon Speaker: The Honorable Representative Hanley
1:30 - 3:30 P.M.	(Moderator - Bill Smith, Commission Member) General Session - Final analysis and recommendations State Recap: Mr. Elmer Savilla Federal : Mr. Gary Thomas
3:30 P.M.	Conference Adjournment.

CONFERENCE PARTICIPANTS

COMMISSION MEMBERS & STAFF:

Mr. Tony Drennan, Sr., Chairman
Mrs. Leona Kakar, Vice-Chairwoman
Mr. Lance Grey, Member
Mr. Dan Peaches, Member
Mr. Mike Rios, Member
Mrs. Patricia McGee, Member
Mr. William Smith, Member
Mr. Lester Ruffner, Member
Governor Jack Williams, Ex-Officio Member
Attorney General Warner Lee, Ex-Officio Member
Dr. Weldon Shofstall, Ex-Officio Member
Mr. Clinton Pattea, Executive Secretary
Mr. Tony Machukay, Field Coordinator
Mrs. Diane Dankerl, Administrative Secretary
Mrs. Pam Anderson, Secretary

TRIBAL CHAIRMEN:

Mr. Wilbert Carlyle, Ak-Chin
Mr. Robert Sam Barley, Cocopah
Mr. Jacob Escalante, Papago
Mr. Buck Kitcheyan, San Carlos
Mr. Ronnie Lupe, Fort Apache
Mr. Sterling Mahone, Hualapai
Mr. Elmer Savilla, Quechan

TRIBAL VICE-CHAIRMEN:

Mr. Donald Antone, Gila River
Mr. Lloyd Doka, Fort McDowell
Mr. LeRoy Narcia, Ad-Chin
Mr. Harold Schurz, Salt River

GUEST SPEAKERS:

Mr. Jerry Foster, Corporate Pilot, KOOL Radio
Mr. William Lavell, Field Solicitor, U.S. Solicitor's Office, Phoenix
Mr. Kenneth Coplan, Undersheriff, Navajo County Sheriff's Dept.
Mr. Evans Nuvamsa, Arizona Indian Justice Specialist
Mr. Sam Deloria, Director, American Indian Law School, New Mexico Law School
The Honorable Ben Hanley, Representative, Arizona State Legislature
Mr. Gary Thomas, Law Clerk, Field Solicitor's Office

GUESTS:

Mr. Hawley Atkinson, Gov. Specialist Assistant, Governor's Office
Dr. Delmar L. Beene, Sr., Research Analyst, Legislative Council
Mr. Andy Bettwy, Jr., Assistant Attorney General, The Attorney General's Office
Mr. James C. Burns, Fort Mohave
Ms. Valerie Denny, IDDA
Sgt. K. Flanagan, Pima County Sheriff's Department
Mr. Roger Evans, Salt River Tribal Council
Mr. Jerry Gaffaney, Assistant Attorney General, The Attorney General's Office
Mr. Earl Havatone, Division of Indian Education, Department of Education
Mr. Terry Leonard, Director, Division of Indian Education, Department of Education
Mr. Archie Hendricks, Papago Tribal Council
Mr. Raymond W. Jackson, Realty Officer, Bureau of Indian Affairs
Mr. Bob Kennedy, Tax Commissioner, Department of Revenue
Mr. Paul Klores, Valley National Bank
Mr. Gordon Krutz, Coordinator, Indian Programs at University of Arizona
Mr. Kay A. Lewis, Judge, Fort Apache Tribal Council
Mr. John U. Lyon, Pima County Sheriff's Department
Mrs. Juana P. Lyon, Community Support Bureau, Department of Economic Security
Dr. C. S. McCammon, Area Director, Indian Health Services, U.S. Public Health Services
Ms. Grace McCullah, Executive Director, IDDA
Mr. Edmund Manuel, Salt River Tribal Council
Ms. Lora Miller
Mr. & Mrs. Don Mitchell, Yavapai-Prescott Board
Ms. Veronica Murdock, Secretary, Colorado River Indian Tribes
Mr. Mike O'Kon, Office of Economic Planning & Development
Mr. Wendell R. Rice
Mr. Joe Richards, Sheriff, Coconino County Sheriff's Dept.
Mr. Emory Sekaquaptewa, Assistant Coordinator, Indian Programs at University of Arizona
Mr. William E. Strickland, Attorney
Mr. David Thompson, San Carlos Tribal Council
The Honorable Stan Turley, Senator, Arizona State Legislature
Mr. Randy Wakefield, Legal Advisor, Arizona Department of Public Safety
Mr. Richard Wilks, Salt River Tribal Attorney
Mr. Roger Wilson, Director, Teacher Corps
Mr. Tom Woods, Analyst, Bureau of Indian Affairs

0009

CHAIRMAN ANTHONY DRENNAN:

Good morning. I'd like to get this meeting started this morning. For those of you that don't know me I'm Anthony Drennan. I'm Chairman of the Arizona Commission of Indian Affairs and in behalf of the Commission it gives me great pleasure to open this meeting up. The Commission and staff have worked pretty hard in setting up this meeting for our benefit, and I feel that this is going to be a real good meeting, a good communicative session between the leaders and the tribal leaders of the State.

I think at this time I would like to introduce the Commission members who were appointed by the Governor. First of all I would like to introduce the Honorable Jack Williams, Governor of the State of Arizona. He is also a member of the Commission. From there I would like to go on to Mrs. Leona Wakar who is the Vice-Chairwoman of the Commission; Mr. Lance Grey who is a ember of the Commission; Mr. Daniel Peaches from the Navajo Tribe; Mr. Mi'e Rios, member of the Commission from the Papago Tribe; Mr. William Smith member of the Commission who is from Phoenix, Arizona; Mr. Lester Ruffner, member and he's from Prescott, Arizona; Dr. James Schamadan, Commissioner from Phoenix, Arizona; the Attorney General Warner Lee who is being represented by Mr. Andy Bettwy, Jr.; D . Weldon Shofstall, Supt. of Public Instruction, represented by Mr. Terran Leonard; and our staff, the most hard-working staff that I've seen, Mr Clinton Pattea, Director; Mr. Tony Machukay, Field Coordinator; and we have our two hard-working secretaries Diane Dankerl and Pam Anderson.

I would like to officially open this meeting up and I would like to call the Chairman of the White Mt. Apache Tribe, Mr. Ronnie Lupe.

RONNIE LUPE - Welcoming Remarks:

I would like to welcome all of you to our humble establishment. We, the White Mountain Apache Tribe, as you can see are very much in love with our land and the opportunities and potentials that are available to us in our piece of ground. I think all of you can contend with me that you are somewhat jealous of what we are in love with on our reservation. And that is for a very good reason because our people have suffered a great deal. They have suffered injustices; they have starved; they have fought and died for this land. And we, the by-products of this great nation, hopefully can honor this unique sacrifice that our forefathers have made and honor them so that we will keep our land intact whether it be a desert land, whether it be a grass-land, whatever is surrounding us -- it is the most valuable piece of commodity that anyone can ever undertake. It is very valuable, particularly to us Indians. We the Apaches claim, and always have claimed, that no money in the world will ever buy this land from us. It's costless, priceless, it's worth a lot more than anyone can offer us, because we live and breathe every piece of air on our land. The grass, the valley, the rivers is a part of us, is a part of our unique ways. So, you can see I am deeply honored to have distinguished people on our reservation, on our land. And I most heartily, on behalf of my Tribe, my Tribal Government, and myself, most heartily welcome all of you -- the Commissioners, Members, Governor Williams, Tribal Leaders, Distinguished Guests, Ladies and Gentlemen.

I would like to relate to you some of the things that have had happened here on our land since I have taken over as spokesman, or Chief of my Tribe, or Chairman of my Tribe. It's been some years ago when I was a member of the Council, Tribal Chairman, got defeated and then won again, and I hope I am back in the saddle again for the next four years. I was recently elected into this office last April, and have encountered something; some really highly technical area where I need guidance. By this I mean that our land right has been tested in all kinds of courts. As for our unique trust relationship with the United States Government, we enjoy this unique relationship as aboriginal members of this great continent. We are native Americans, but I have yet to have this unique trust responsibility with the United States Government in terms of water rights, jurisdictional problems, hunting rights and numerous other areas. And yet we Indian people claim that we have the legal interpretation of the United States Government and the Indian Law and that we respect these laws. But these people, that is, the States continue to test this legal right.

I think it's very important that today we come together and reassure ourselves, the Indian people of the State of Arizona, not only of the State of Arizona but also of other States, that we must stand together. And once again inform those people who live here that this is our land. We have our unique ways, as Tony pointed out. We have our own identity. Our language and our culture values are very much a part of us today in spite of all the numerous transitions that has taken place. Along with these go our rights, we feel, because we are Indians. The Indian people in general have always welcomed their neighbors, no matter who they are (whether they are black, green, yellow, or white). They have respected their rights because they too have their own religion, their own language, their own culture, their own values, and we have honored this. We know our limitations. We know how far we can go and we respect these things. We respect our limitations. We have honored every piece of legislation, every piece of document, policy, regulation, and tried to live under these rules. We want to live in good relationship with the State and all the other people in our land. Once it was with all of this land, now we only have very small pieces on the reservations. In spite of this, we still honor your land, your ways. That is the Indian position, our position. We hope that people in power in this State, the people in government, realize that we will go more than half way to reach an agreement. All we ask is that you respect our rights and respect our ways.

The sovereignty of our ways is very important to us. That is one of the reasons why the Commission is once again spearheading this get together of Indian leaders and other leaders of the State of Arizona.

My colleagues (Tribal Chairmen, Tribal Leaders), and I, want to protect our ways, want to protect our rights the best way we know how. If things go to worse here on my reservation, we will work together to reform. I think we are all grown men, we understand one another. We all live in a highly sophisticated world today with technology and scientific development. But once someone tried to take our land. He had to have it then. Some of you can recall how we were promised a little stream over there. And then the State declared war on us. They came and we were subpoenaed with all kinds of court orders and what not. We resisted and we voted. We had to bring

back our old war equipment to protect what is ours and do what is our way. That's kind of silly and ridiculous in this modern world to go to that extreme. We hope that this will never come back again, because like I said, we are living in a very modern world and we should respect one another of our rights and your rights. We should deal with each other without drastic limitations. We should have the discipline of a human being and a human being is capable of many things. But there are other limitations.

Most of you, I'm sure, don't want to talk about Watergate anymore. I personally don't want to bring that up again. To me it teaches us a lesson as a nation, as people of the United States, that when there is something wrong and we know that there is something wrong, we feel that we can't live with it. We feel that there is injustice in the air. What do we do? We stop it. We do away with it so that we don't experience it again. Sad as it may seem, drastic as it may seem, the law, the law of the land, the law of the people, took its course. I hope that this great nation will someday correct the injustices that have been bestowed on the native American Indians so that we are assured that, maybe, we have corrected all of our faults and all of our mistakes which we have made.

With this in mind, and again welcome, I will listen to your deliberations. I have another engagement at noon in Whiteriver. I have to be leaving at 11:00, but I will be back. Welcome and thank you.

THE HONORABLE JACK WILLIAMS, GOVERNOR OF ARIZONA - Opening Remarks:

It is a pleasure for me to be here to address the second Arizona Indian Town Hall sponsored by the Arizona Commission of Indian Affairs. A year ago, your Town Hall topic was "Indian Water Rights." That, in my opinion, was a difficult topic for panel discussion. One might even say a delicate topic. But this time -- first let me remind you that each member of the Arizona Commission of Indian Affairs excepting the Ex-officio members has been appointed by me, and I congratulate them for the job they did last year and I congratulate them for the job they are doing this year -- but this time the Arizona Commission of Indian Affairs has really outdone itself. The subject that you have before you at this Town Hall, "Sovereignty and Intergovernmental Relationships with Arizona's Indian Tribes," is an even more delicate subject than Water Rights.

I was asked the other day if the Arizona Commission of Indian Affairs was simply one of those appointive bodies that really didn't get down to the real issues. Believe me, any Commission, any State Commission, that can inaugurate Town Halls on two subjects such as Indian Water Rights and Indian Sovereignty cannot be termed gutless. Again I commend you for your forthright choice of two of the vital problems that face the State of Arizona and its citizens.

The Arizona Commission of Indian Affairs has shown its forthrightness, its tenaciousness, and its fortitude by facing the issues that confronts the people of this great State. Now, it is up to you, you who are here to attend the Town Hall -- you who are here to participate in this most important event -- it is incumbent upon you to demonstrate the wisdom of the

selection of this topic. Sovereignty has too many meanings, has too many definitions, too many shades of nuance to ever resolve such an issue at one Town Hall meeting. It will take two or perhaps three more such Town Halls to finally resolve this issue to the lengths which you can go. At your next Town Hall meeting I would encourage you to seek more participation at the Congressional level, particularly some of those staff members of the more concerned Congressional Committees such as the House Interior and Insular Affairs Committee, and the Senate Interior and Insular Affairs Committee.

In your quest for a definition of Indian Sovereignty never forget that you live in the only Sovereign Nation in this world that goes to every extreme to protect personal freedoms and to afford the opportunities of equality. If you equate your definition of sovereignty to the formation of a Nation, you have not only chosen the wrong political goal -- but the wrong goal in every sense of responsibility to the Indian people to whom this Town Hall is dedicated. You already have citizenship in the greatest republic which the world has ever known -- based on the finest political document ever written, the Constitution of the United States.

We who inhabit this State, this Nation and this world today are just a minute part of a long, long parade of men that has been passing by for a very long time and will continue to come and go for centuries to come. Many years ago, in the Hearst newspapers, there was a great cartoonist named Arthur Brisbane. I remember particularly one of his cartoons. It showed a great horde of men and women, many-fold deep, coming from the distant horizon of birth and marching through life to the horizon of death. The cartoon tried to point out that we are just passing figures on the scene of life and should keep that always in mind.

In Arizona, scientists tell us that human beings lived in this area 10 million years ago, appearing for a short time and then going on, to be replaced by some other people. So it has gone through the centuries, new people, new cultures, new civilizations. Fifteen hundred years ago, the Hohokam found homes here. Then they disappeared, to be followed in due time by the magnificent Indian tribes which preceded the advent of the Spaniard, the traveler and the adventurer. No one has been settled here forever. Man is transient, and times do change.

Most definitions of sovereignty will contain some reference to complete or to autonomous political authority. But there are very few definitions of sovereignty which speak of the <u>responsibilities</u> that must go hand in hand with the <u>authority</u>. So when you sit down today; when you ask those questions that will show the wisdom of each of you; when you search for those answers, do not forget that sovereignty implies not only authority, but responsibility as well -- and in equal proportions. It is simply irresponsible to say, "I seek political freedom but I accept no social, economic, or political responsibilities."

This great Nation did not become great overnight nor will it solve its social, economic, and political problems overnight. It would be my opinion that your search for sovereignty will lead you to an examination of the relationship between the tribal reservations and the States wherein they lie. You certainly have found the State of Arizona, for the last eight years, a

willing partner who has come halfway to meet with you to discuss and help you solve the problems that were inherent in your former poverty oriented reservations.

During my first year in office, I began to lay the ground work for an organization that would aid and assist you in starting your economic development effort. This organization was the Indian Development District of Arizona and its first employee was Arthur Hubbard, who now serves in the Arizona State Senate. It is my understanding the IDDA Board of Directors will hold a meeting here on Friday. And for those of you who are not familiar with IDDA I hope you will take the extra day to stay and observe these Tribal Leaders in an Economic Development Executive Session.

I will tell you what I have told many Arizonans throughout this great State. And that is under our form of government which assures us political and social freedoms, there is no opportunity so deserved by all of us as the opportunity for meaningful employment. A position of employment which allows us to participate in the material wealth of our communities -- which allow us not only to enjoy the political and social freedoms which we have but to further enhance our own unique culture and heritage in which each of us has some justifiable pride. Don't ever let anyone mislead you into believing that culture and heritage are only inherent to the American Indian people. This great Nation was peopled by waves of immigrants who brought their own special culture and heritages such as the Irish, the Italians, the French, the Germans, the Dutch, the English, the Basque, the Spanish, the Mexican, and other nationalities.

Do not let any issue side track you from the goals of economic equality and equal education -- for these are the tools that provide you with the ability to be truly sovereign individuals -- to choose where you live and where you work. Were you strangers in a strange land, sovereignty could have a much more different meaning to each of you. Do not let the glamour of the word sovereignty snare you in a semantic mesh that prevents your continual progress towards the goals of equal opportunity in the fields of employment, education, and economic development.

Since I have been Governor, there have been a number of Indian Programs and Projects, with which you and I have been associated, designed to find satisfactory answers to many of the problems facing the Indian and non-Indian communities of Arizona. I would like to tell you of a few of them and hope you share with me the feeling of achievements as regards the progress which we have mutually made these last eight years.

I have mentioned IDDA to you -- a unique Economic Development Association. It has been a partner in the expenditure of over fifty million dollars on the Arizona Indian Reservations -- a dynamic program with dynamic results.

Arizona Indian Centers, Inc. -- this is a group of men both Indian and non-Indian dedicated to help solve the problems of transition from reservation life to urban life.

The Indian Community Profile Program -- whose purpose is to collect, compile, publish, and distribute economic and demographic information about the

Arizona Indian Reservations. The objectives of these publications are to assist the tribes in their economic development efforts. At the present, ten of these profiles are completed and wherever possible I have made a personal presentation of the Indian Community Profile to the Tribal Chairman.

Governor's Special Task Force Team -- to assist the Gila River Career Center at Sacaton. Three years ago, the Gila River Career Center was not progressing at a rate deemed satisfactory by the Chairman of the Gila River Tribe, by the Economic Development Administration, or by my Office. This Task Force Team was created to lend support and assistance to the Central Arizona College, Governor Alexander Lewis of the Gila River Tribe, the Arizona Department of Education, and many other concerned people. It's principal purpose was to locate funding sources so that the Career Center could not only continue, but would warrant further Economic Development Administration investment in dormitories.

The change in my Executive Order Number 70-1, creating the Arizona Commission on Intergovernmental relations, to include as a permanent member of the Commission the President of the Arizona Inter-Tribal Council. This is a blue ribbon panel of concerned intergovernmental relations experts who will help to provide improved communications between the tribal leadership, private enterprise, and State and local leadership.

The inclusion of tribal participation with State Agencies to determine policy and procedure as regards the reservations -- such State Agencies as Justice Planning, the Department of Economic Security and the Arizona Power Authority to name but a few.

Annual luncheons of the Arizona Inter-Tribal Council, the Arizona Commission of Indian Affairs, and myself. The purpose of these luncheons was to honor those Indians who had contributed so much to both the Inter-Tribal Council and the Commission of Indian Affairs. I sincerely hope that the next Governor will continue this annual luncheon.

The tribal leadership and myself have instituted other state-wide changes and have had many, many individual tribal mutual assistance programs.

During my three terms as Governor, I have had the desire to visit each reservation, to visit each Tribal Leader on his reservation. This last year I have visited many of the reservations and have enjoyed each visit. My last visit was to the Yavapai-Apache Tribe -- the middle Verde Reservation. I stated there I had found a beauty and a charm in each reservation that inspired in me a desire to return. I reiterate that today. Your reservations represent the diverse topographical, geographical, and climatic conditions found throughout Arizona. I sincerely hope by the time my term of office is finished, I will have visited each reservation. Just as your doors are open to me, the door of my Office has always been opened to the Tribal Leadership. We have had, your Tribal Leaders and myself, conversations that were characterized by concentration on issues -- issues that were, and still are, important to the Indian people of Arizona.

Typical topics of such conversations were proper range management, proper use of educational facilities to further the opportunities of your young

people, possessory interest taxes, water rights, and many other basic issues. For the remainder of my term of office, that same door will always be open to you -- and you have my invitation to come in at any time and discuss the problems of the past, the present, and the future.

In my years as Governor, I have been fortunate to have had the opportunity to share with your Tribal Leadership a common goal -- the betterment of the Arizona Indian people. When I look back from year to year, progress seems small. But when I look back over the span of eight years I know that you and I have traveled the road of progress which is visibly measurable. There is still a long way to go before we achieve equality between the Indian and non-Indian communities. But now such a goal is believable and we know that it is obtainable. May God grant the same wisdom, determination, and dedication to the Tribal Leaders of the next eight years as he has blessed those Tribal Leaders of the last eight years.

Thank you.

ELMER SAVILLA - Brief Remarks:

As Tony mentioned, I am the most recently elected President of the Inter-Tribal Council of Arizona and as such I do feel a certain responsibility for looking over Indian affairs in general -- not only those of my Tribe, but others in general. I would like to point out those things that I believe can be changed; things that I think we should look for, and those things that I feel need attention, and which the Tribes need to take particular attention to, so that they can improve and progress on their own locality. And in doing so, naturally there are a lot of things coming up that are controversial. But that's life, I believe.

These particular meetings I don't like to come to except only for the purpose of pointing out those good things that have happened, because with every good there's some bad and there are things that can be corrected. So I do like to look at the whole picture and can accept those good things that have happened that the Governor has pointed out. But, also, we have to look more closely, I believe, at the past history and learn lessons. The Indian Tribes need to learn lessons so that they can be ready for new lessons in the future. If there is no learning process, we will stagnate and eventually die. I read an old saying not too long ago about one who looks at history: "A historian looks at the past and soon he begins to think of the past; that is one man's opinion. I like to look at history for lessons and if I get a lesson from it, I intend to use it for my betterment."

The topic of this year's Indian Town Hall of Sovereignty & Inter-governmental Relations is one subject that has worried some tribes for a long time. But no tribe yet has been able to claim and hold true sovereignty because they didn't know how to practice it. Basically, at first they didn't know what the hell it was. What is sovereignty? Is it the Country's habits and State habits? But to the tribes this was a big word. And actually comprehending what the hell sovereignty is, is an issue all by itself, regardless of living problems and water and land. Whatever your local problem is, sovereignty is one whole ball of wax just by itself.

So, I don't think we should waste too much time arguing about what sovereignty is. The problem has been, and always will be, one of who holds the purse-strings for many tribes. This is what controls your sovereignty and this is who gives you the programs -- who gives you the grant money. To that extent you're limited in what your sovereignty is, what you're willing to give up to get those grant funds or those programs. Many tribes are afraid to stand firm on their sovereignty rights because they're afraid the United States, or agencies thereof, will cut off their grant programs. This fear is not without justification because it has happened in the past when that tribe allowed it to happen. This has happened in many areas of tribal sovereignty rights, water, land. More recently, I think, the most shocking case of allowing sovereignty to be subjugated was in New Mexico. The BIA deferred to the State in the matter of Indian rights when Indian water rights had been set by Federal law and the Pueblos, being a little afraid that they were going to lose Federal programs, went along with this kind of cultural eradication. That is the most recent case of Indian people allowing themselves to be put down. They're waking up and realizing what happened, but it could happen again unless that tribe wakes up and realizes what the effects are of giving that up, or any part of sovereignty, whatever sovereignty is.

To me sovereignty is managing your own affairs and being able to account for that same responsibility that the Governor talked about to us. So it can happen at any time and anywhere that an important matter comes up, but usually covers tribal land or water which the States are always looking for.

I think we would admit that any tribe would never have complete sovereignty no matter what happens. No tribe is ever going to achieve complete sovereignty. No tribe is ever going to gain complete sovereignty, I don't believe. But even then they're only going to gain as much as you gain or insist on in the immediate future. Time is running out. For the past twenty years, a trend has been showing in Federal Government policies. First, we had the Eisenhower administration termination; then it was repudiated. Then in subtle forms, termination came about. If you look at the past twenty years of Federal policy, there has been a subtle change completely different than ever before. The paternalism began to disappear but they're not so willing to help you in so many matters. They're willing to let you do it yourself if you want to. If you don't, they're willing to take it away from you.

So self-determination, to me, is not exactly what they told you it is. You know self-determination; get up and do it yourself and all that. That is part of it. But, the wording determination itself has great dangers. Forget about the self, look at the determination. I think a lot of the dictionary definitions of self-determination is "the final end." So, they're not going to do it for you. They said, "Here, take this and use self-determination." Well, they're going to let you do it yourself. To me, that is what that means.

So, I don't even hold any discussion or arguments against that word or phrase of "self-determination," just to sovereignty. It is just a word. Phrases like that mean nothing, or should mean nothing. To us, what matters mostly is actions. How we ourselves as tribes, tribal governments, nations, sovereign nations, act and defend our rights. This, to me, is the basis of sovereignty or whatever words you want to use. Unless you make use of what you have you're going to lose it.

So the forces of Government are moving in on us very rapidly, as I mentioned in the last twenty years. Now we're drawing to the end of a period where everything is speeding up the tone of Government. The Congress, more recently in the last two months, have become very upset about favorable Indian decisions. Pressures are mounting from constituents. Secretary of Interior is under very hot fire for delivering favorable Indian decisions. So the climate is getting very hot, situations are getting very tight. So, as I say, this is why from my own observation I wish to point out that your sovereignty, or whatever you're going to gain in the future, has got to be done very quickly. You don't have time to wait. Time is running out. Whatever you gain in the next five years might be it for the rest of your tribe's lifetime.

So, only prompt action on your part can save you from coming under State or local jurisdictions. This is where its heading for, and not withstanding any of the fine comments by the Governor, he has done a lot for Indian Tribes. But, unfortunately, as we all know this Country is ruled by a system of politics; a system which large corporations control. So, whatever happens on the local level is to the small peons. The policies that you're going to live by is set by the Federal Government, which in turn, are controlled by political forces. Not many of you realize, maybe, that even your local BIA area office is subject to tremendous congressional pressure, very heavy pressure.

So, there again, you have the political forces, partisan politics, moving into those areas that control your life. BIA is supposed to carry out service programs to your people yet are controlled by local partisan politics. Think about it. It is very important that you realize these things and use it to your advantage. Not to just think about it and talk about it when you sit around in the evenings or at the bars or wherever you sit around. It doesn't do any good. Where the action must take place is on the higher level. You tribal chairmen who are here, it is your responsibility to look out for these things. If you don't inform your people or take some for of action, you're missing your job. The laws of the United States are continually being misrepresented and misinterpreted to be used against us. Even when we enact local ordinances, they're not accepted. We have to go out and prove it. Prove we have a right to do these things I am talking about.

(Balance of speech has been omitted due to inaudible tape.)

1st PANEL - TRIBAL LEADERS
(SOVEREIGNTY & INTER-GOVERNMENTAL RELATIONS):

WILBERT CARLYLE - AK-CHIN RESERVATION:

Local authorities could be, or we could negotiate with local authorities, running our Tribal Government as far as Ak-Chin is concerned. We do have a contract with Pinal County, which is hardly a contract, where we authorize them to assist our police officers. Now there is one way of looking at our sovereignty and that is, that they simply don't come in there and say we are going to enforce your laws. We have to give them authority, and it is vice-versa too. The Pinal County Sheriff's Department has also give authority or

deputized our police officers in the sense that they also enforce State laws in a matter when called upon to do so according to our contract. The State, in a sense, really does recognize our sovereignty in one respect. We send in -- what do you call this when a person gets picked up for drunk driving -- and the records (DWI's) are sent in to the license examiner. Anyway, in one particular case (a DWI report) was sent back to us because it wasn't on the ARS Form, and this certainly should be one way of recognizing that the sovereignty lies within our own reservations. Since they won't recognize that, then we assume that we won't recognize their forms on our reservation. Unless there is some kind of negotiation made where we can work out this understanding where Indian people in this case were picked up on the reservation, they could be subject to a hearing like any non-Indian on the reservation. But in this case it wasn't and I'll explain.

Another thing that we have that might also be thrown in, in working and negotiating with subdivisions of the State, in this case, would be the liquor licenses. We did not simply go out there and get the liquor license. We had to have it approved first for introduction on our reservation and then we went that route. However, when that ordinance was approved in Washington, then that tied in with how it was written, as far as recognizing the sovereignty.

Now we are a small reservation, as you all are aware, and we only have one store there, a grocery store. We don't charge any sales tax, however; if I am not mistaken there was some misunderstanding with the local merchants around there and word got to Washington someway that we were doing something illegal. Anyway, I don't give a darn what they say. Even if we did charge sales taxes, the State can't take anything. Anyway, we are giving everyone a break because we are not charging taxes to anybody -- regardless of whether they're Indian or non-Indian.

But, as far as I am concerned, these are just a few points that I would like to stress in the way of Inter-governmental Relations and also in respect in Sovereignty. I am no expert on that but I do know that we can make our own or pass our own laws, ordinances, and so forth, which is authorized under our Articles of Association (better known to you as the Constitution & By-laws).

Now this is a mutual protection and law and enforcement agreement between Pinal County and Ak-Chin Indian Community. I am not going to read the whole thing, but I will read the part where it will most likely explain the whole thing:

> "Now, therefore, the County of Pinal and the Ak-Chin Indian Community pursuant to ARS 11951 enacted by the 28th Legislature for the specific purpose of enforcing their government stability to better their life, their public health, safety, and welfare do hereby enter into this agreement in order to more efficiently and economically facilitate their capabilities to provide for maximum amount of protection for the public health, safety, and welfare of their citizens.
>
> "Now, therefore, it is hereby mutually agreed by the parties

hereto that: One, commencing July 1, 1973, for a period of three years until June 3, 1976, Pinal and Community agree to cooperate with assistance towards mutual benefits in the field of law enforcement."

That covers much the way we went about it. We have been doing it on a yearly basis but due to the lengthy procedures the County Attorney decided that it would be better that we went on a three year agreement. And this explains that the Pinal deputies in the Maricopa area (not the County, the Town) would assist the Ak-Chin Indian policemen, or our Tribal policemen. And this goes on to explain what guidelines are set up by both parties, us and them. Of course it has to be approved by us, then the Chairman of the Board of Supervisors, by Sheriff Coy DeArman, and approved by Attorney General Gary Nelson. Now this is one form of working together with somebody on the outside and I will hit the ordinance on the liquor part which is not really something like that and I will explain what I am getting at.

Now this in an ordinance passed in 1969:

"An ordinance of the Ak-Chin Indian Community of the Maricopa Ak-Chin Indian Reservation, Arizona, pertain to recognizing introduction, storage, sale, and possession of intoxicants be it enacted by the Community Council of Maricopa Ak-Chin Indian Reservation, Arizona, pursuant to the Articles of the Association of the Ak-Chin Community approved by the Secretary of Interior December 20, 1961, and in accordance with the United States Law 18 USC 1161 that the members of the Ak-Chin Community and other persons including corporations, partnerships, associations, and other persons are hereby authorized to introduce, store, and sell, and possess alcoholic beverages in accordance (and there it is, there's the clincher) in accordance with the law of Arizona on the Maricopa Ak-Chin Reservation, Arizona, provided that introduction for sale or sales by persons, members or non-members, Indians or non-Indians shall be first specifically approved by the Community Council and such sales shall be subject to such taxes and license fees as made from time to time be imposed by the Community Council."

Well, in order to get our license, that is the Community, we had to designate one person for the Community to get the license so we could sell it in our store. But this ties in with what we have to sell in accordance with the laws of the State of Arizona. According to this ordinance this is the easiest route for us and that's another way of negotiating with the State.

And now I will get to the letter I mentioned in the case of the person getting picked up by a law enforcement officer and the circumstances involved on that part. This is written to the judge after he had sent in the records and what not, after using our form for Ak-Chin Community:

"We have notification in this office of a traffic violation in your court on the above-named individual. In order to complete our records, the following information is needed at the very

bottom. Please be advised that the attached two tickets must be issued under Arizona State Codes: Speeding 28701 and Driving while Intoxicated 28269 in order for them to be entered against the subject record." -- Dept. of Transportation

The State didn't recognize this so this shows clearly that we are different, that we are sovereign, in this respect. But if they don't recognize what we found in there, then the only other alternative, if we really want to do it with the State, is we would have to negotiate with the Department of Transportation. But a few days after we got this letter I happened to be talking to one of the examiners over there and he said, "I don't know why they didn't recognize that because a few days ago I got a person from Gila River that his records were sent in under a Tribal Court and we held a hearing on him."

And so these are the things that maybe we should have a better understanding of. These are just a few pointers that I was hoping to bring out in view of what is supposed to be discussed here.

ANTHONY DREHNAN, SR. - COLORADO RIVER INDIAN TRIBES

It was in the case of United States v. Kagama[1] that the Supreme Court of the United States in speaking of Indian tribes said:

> "They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies."

Certainly some progress has been made today. The very fact that we are here for this conference is itself an indication of such progress.

Much remains to be done, however, and to do it requires good will on the part of all of us. It also requires an understanding and a recognition of the concept of tribal sovereignty. Without that there is no common ground upon which to build our relationships.

The concept of tribal sovereignty was first recognized by the United States Supreme Court as early as 1832 in an opinion written by the famous Chief Justice John Marshall. The case was Worcester v. Georgia[2] and involved an attempt by the State of Georgia to enforce a criminal statute of the State which prohibited non-Indians from living on Indian land, although the non-Indian was there with the consent of the Indians and of the United States. In holding that the law of Georgia was not applicable Chief Justice Marshall said:

> "The Cherokee nation is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties, and with

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[1]Legal citation: 118 U.S. 375

[2]Legal citation: 31 U.S. 515

the acts of congress."

That famous decision is the cornerstone of the doctrine of tribal sovereignty and has been relied on time and again by the courts in dealing with Indian problems. A recent example is the well known case of McClanahan v. State Tax Commission of Arizona[3] decided only last year in which it was held that Arizona may not tax the income of an Indian residing on the reservation where the income is derived from reservation sources.

I submit, then, that there can be no encroachment by state or county government upon the independence of organized Indian tribes on established and recognized reservations. But that is not to say that there cannot be and should not be areas of mutual understanding and of cooperation between Indian tribes and state or local governments. That cooperation, however, must recognize the independence of each of the parties.

We must also recognize that to the extent that state or local governments provide aid or assistance to Indians and Indian reservations, they thereby cannot exert sovereignty or control over Indians on Indian reservations. We want to be fair but we cannot, for example, accede to the taxing of Indians or Indian activities as the price for aid from a state or local government. In that specific example, fairness requires recognition of the benefits to the states and local governments flowing from the reservations directly or, perhaps even more importantly, indirectly; and it is necessary also to evaluate the extent to which any such aid is directly or indirectly financed by the Federal Government rather than through the means of state and local taxation.

I also want to express a note of caution. To my tribe and to the many tribes it is important to attract desirable types of non-Indian investment and development. We must be careful not to exercise our sovereignty in a manner to create an antagonistic environment for the non-Indians whom we seek to attract. We must be ever aware that the appearance of hostility or abritrariness, rather than fairness, can obstruct our development within the framework of our sovereignty.

Thank you for your attention. I hope that I may have provoked some thought even though I have not suggested any specific remedies.

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[3]Legal citation: 411 U.S. 164

LLOYD DOKA - FORT MCDOWELL RESERVATION:

Thank you ladies & gentlemen. My name is Lloyd Doka, Vice-Chairman of Fort McDowell Mohave-Apache Community. On behalf of Chairman Ben Kill, I would like to express briefly our views on the subject of the Conference.

My reservation is located thirty miles Northeast of Phoenix in Maricopa County. With the growth of Phoenix and development of new communities next to our lands, we have come to recognize that we are no longer isolated from large communities. This leads us to believe that we need to exercise our

sovereignty statute and to express our views as a Tribal Government as provided for us in our Tribal Charter granted to us by the United States Government under the Act of 1934. However, the sovereignty status does not prevent us from working together with other governments. For the best interest of our people, we have operated in many ways with other beliefs around us. We believe this will lead us into inter-governmental relations.

In closing, however, I strongly suggest mutual respect of each other for all people in the State of Arizona. Thank you.

2nd PANEL - TRIBAL LEADERS
(SOVEREIGNTY & INTER-GOVERNMENTAL RELATIONS)

DANIEL PEACHES - NAVAJO RESERVATION:

The shortest way to state the Indian's position on the Indian-state relationship is that there should be no state control over Indian reservations. I think it is important that all of us as Native Americans recognize that whenever we ask the State to take over a function properly belonging to that of the Tribal Government, or whenever we permit the State to exercise its sovereign powers within our borders, we are decreasing our own sovereignty.

I know that many will try to pacify you by telling you that the limits of state sovereignty are either prescribed specifically by Congress or have been defined by the Supreme Court to include those activities on the part of a State which do not interfere with our inherent right of self-government. But these are just words and the important question and issue for us to consider is what is the practical method of permitting State activities within the borders of our lands and what alternatives are there.

It must be remembered that the State of Arizona collects many taxes within our Reservation. I know that there are those who continue to complain that Native American people and the lands on which they live, do not contribute their fair share to the maintenance of State government. If one were to look at the actual situation, however, one would find that the State of Arizona taxes the property of the mines within our lands, it taxes the production and sale of gasoline and natural gas, it taxes the income which we earn off the Reservation, it taxes the income which Anglos earn on the Reservation and it taxes motor fuel sold even to the Tribal governments themselves. Moreover, the county and local governments tax the improvements within the Reservation which are owned by Anglos and non-Indian corporations. For example, in Apache County over half the income of the county comes from within the Navajo Reservation.

Indian people need not and should not defend themselves against these misleading statements. Instead we should maintain that we are not getting our fair share from the state. We all know that we pay the same federal taxes as every other American. We know that the vast majority of programs, even those which are run through the State of Arizona, such as in the social service and education areas, are funded by the Federal Government. We know that it is P.L. 874 and JOM money which enable the schools within our Reser-

vation to operate. We know that it is the Bureau of Indian Affairs and not the state or school district which still maintains larger boarding schools to which thousands of our children are shipped. Even in those instances in which there are no BIA schools, our children often live in border town dormitories and similar facilities in which the principal burden, if not the exclusive burden, is borne by the Federal Government. It is equally true with programs to provide aid in the social service area and in employment and training. The contribution of the State of Arizona to its Indian population is and always has been negligible.

But it is not enough to indicate that we are not a burden to the State Government. The question is can we co-exist with the State Government? We know that even outside the Indian world, there are various layers of sovereignty. There is the Federal layer, there is a State layer and there is that of the subdivision, whether it be a county or a city. For example, a person who lives in Tucson is subject to government, not only by the City of Tucson, but by Pima County, by the Arizona State Government and, finally and paramountly, by the Federal Government.

It is because of the history of Arizona and of its native people that special problems exist. I think we must all never forget that Arizona, by its constitution and as a condition of its becoming a state, agreed to give up all jurisdiction over Indian lands. That agreement made by the grandparents of those who make the laws today cannot and should not be broken by the grandchildren. Perhaps when Arizona became a state, no one wanted to bother with Indian lands because our lands were thought worthless. In fact, if they had been thought valuable, we probably would never have been permitted to keep them. But that is the past. We cannot remain a sovereign people if our right to govern ourselves and those who come on our lands continues to be eroded by state or county infringement.

The Indian Civil Rights Act of 1968 already seriously restricts our ability to govern our lands in our traditional way. We have seen our traditional Native American notions of justice replaced by an Anglo system foreign to us. We have seen that for a long time our right to punish people who break our laws has been restricted; first, by the Major Crimes Act, and later by the provisions of the Civil Rights Act which make the maximum punishment of a $500 fine and a six month jail term. Very few of the Indian people in Arizona have sought to take jurisdiction over Anglos and Anglo corporations, even though we have the unquestionable right to do so. It is ironic that under the laws which exist on most Indian Reservations in Arizona, if a Navajo let us say, and a Cherokee and a black and an Anglo are found drinking within its borders of our lands, the Navajo and the Cherokee would go to Tribal Court, while the black and the Anglo, even if they have spent their whole lives within our lands would go to an Arizona State Court. Surely, this anomaly is both contrary to our sovereignty and contrary to true justice regardless of culture. We must maintain jurisdiction over all people who either come onto our lands or do business on our lands. We must have exclusive jurisdiction. We must not permit Anglos to use Anglo courts in order to obtain a standard of justice different from that which is applied to our own people.

As for taxes, we must make every effort to run our own governments based on our own income and we must assert the right to tax all those who do business within our land. I know that many Anglo corporation and businesses will say that they are already taxed by the State of Arizona. We should oppose such state taxes and in their place establish new taxes by our Tribal Governments and from which the revenue shall go to support our Tribal Governments and the many services which our people require. I am convinced that if we establish a full and comprehensive tax system, we will be able in the long run to prevent that State of Arizona from exercising its taxing power within our lands.

There is too often a temptation to accept the so-called offers of the State of Arizona to maintain our roads and in some instances, to maintain our parks in return for our giving up our sovereignty and jurisdiction. The expenses of the law and order function, which most of the tribes within the State of Arizona bear, is so severe that it is terribly tempting to give our right to control law and order within our lands and permit the State of Arizona to assume that responsibility. But if our sovereignty is to be meaningful, it must be exercised across the broad spectrum in which governments operate. If we are viable and full sovereign bodies, we must possess all the attributes of sovereignty.

Now I understand that it is impractical to expect a reservation of a few hundred acres with less than a hundred people to assume all the burdens of government. To be sure, the smaller reservations within our State will have to look to the State or to neighboring communities for the provision of many services. It is impractical and unfair to ask small band of Native Americans to assume the awesome burden of paying for fire, police, water and sanitary services when they are located next to a city which can provide all the same services for very little cost.

But it is important, that we understand that the decision as to whether or not to permit the state or local governments to take over providing various services within our lands has to be our decision. It must not be imposed from outside, whether by the State or by our friends at the BIA. Inherent in our sovereignty, and more basic than its expression in any tangible fashion, is the right to control our own destiny. In that intangible sense, the most significant of all the decisions which the Indian people of this State must be permitted to retain and to make, is the decision as to what we as sovereign people will do for ourselves and what we will permit others to do for us.

The road ahead for the Native American People of this State is not easy.

The Siren song of assimilations is loud and persuasive. We have learned to survive, however, by learning to ignore that song and to listen instead to an older song which runs through our heritage. Whether the pressure for such assimilation and termination comes from outsiders or from our midst makes little difference. What is important is that we retain the sovereignty which we have now and expand and enlarge this sovereignty by taking affirmative action in the area of jurisdiction over non-members and in taxation, expecially of non-members and corporations, and in making an ongoing series of decisions in which we say "NO!" to those who would take over sovereignty, and offer us some few crumbs of economic development or the like.

Sovereignty is more than just words. It is a state of being and a state of mind. It is that which makes or forms the foundation for a meaningful future. We must hold it tightly and guard it against those who would dilute it or take it away entirely. The future is not easy, the road ahead will not be smooth, but we have not come this far as free and independent people by taking smooth roads or by avoiding hardship. The cultures which took that road, that easy path, are remembered today only for the ruins they left. Let us resolve here that we will leave our children more than ruins. We can and we shall continue to grow and flourish as people and as nations.

Thank you.

JACOB ESCALANTE - PAPAGO RESERVATION:

It is a privilege to be here with you folks again. It is always good to get together like this and iron out some of our problems. I would like to say to our fellow Tribal Chairmen and Tribal Representatives and guests I am happy to be here.

The Supreme Court in 1832 expressed the principle that an Indian Nation has always been considered a distinct, independent political community through the years by means of written treaties and agreements; the United States Government has also made specifc commitments to Indian people and in consideration for these commitments, our people surrendered millions of acres of land and have accepted life on Government Reservations. These commitments included that the government would provide community services such as health, education, and public safety. Services which would allow our people to enjoy the standards of living comparable to that of other Americans. The United States Government has broken these treaties and agreements by failing to keep these commitments.

The government's policies of today and the past have the following results: erosion of Indian traditions; widespread unemployment, which we have seen is evident today on many of our reservations; the notions of young people, the frustration of our people who have slackened to more suicides and raised in alcoholism. Many of us see the problems such as the frustrations of our people. I am thinking about the newspapers. I am thinking about the health reports of the increase and rise in suicides as well as I am thinking about alcoholism. This is one of our main problems.

We would like to see that the treaties and agreements which our people entered into with the United States Government and for which our people paid an enormous price, be honored. We would also like to see that both treaties and agreemtns which have been made, be honored. Cooperation between the State, the Federal Government, and the Indian's sovereignty are a necessity in todays way of life. But this does not mean that the State has the right to tax and collect money from our people to pay for services that our people had paid in full, many times over. How many times must our people pay for what is rightfully theirs? One of the requirements made by the United States Congress when Arizona became a State was that the State would agree not to tax Indian reservation land. This agreement was clearly written into the State's Constitution and Enabling Act. Foreign

powers, such as Japan, Germany, Korea, N. Korea, and Viet Nam, in most instances have forced war upon the United States. Even after they were defeated they were given all their land back. Also, the United States Government appropriated and spent millions rebuilding their country and their people. My question is, "Why does the State, the Federal Government, resent a small amount of money given to our people or the small amount of money asked by our people for a tremendous amount of land and natural resources that they have taken from our people and never have returned?"

To encourage our people to have pride in themselves, their heritage, their traditions is not turning back the clock, it is merely giving our people the necessary elements to grow and progress. No program imposed on our people from outside the reservation can serve for one will of our people, for themselves. Our sovereignty, heritage, traditions, and the full right to govern ourselves are as precious as our lives and we will not surrender what we have or our land for what we need, regardless of the pressures brought upon us from outside sources. God created this land and our people. And God will be with us in our struggle to preserve and acquire what rightfully belongs to our people.

Thank you.

HAROLD SCHURZ - SALT RIVER RESERVATION:

It seems to me that my sovereignty has been imposed upon, but I found that out because I recognize the sovereign authority which my Tribal Council has. What I'm saying is that maybe I would like to pass this on to our non-Indian governing authority. Many things have been said this morning; things that have happened in the past and things that we need to do.

If State sovereignty is ours, where does it come from? I think at this point we are not going to get sovereignty from the Federal Government, we are not going to get it from the State authorities, from the County authorities, nor the City authorities. I don't think at anytime this morning, city authorities have been mentioned. I would like to mention this because mention has been made that many of our communities are located next to cities. Fort McDowell was at one time 'way out in the boondocks, but no located south of their border, and west of them, is Fountain Hills. We, at one time, the Salt River Pima-Maricopa Indian Community, were away from these large communities. Our closest community was Scottsdale. Scottsdale has so grown that it comes right up to our western boundary. Tempe is located southwest of our boundary and Mesa is right on the south edge of our boundary.

The reason I am talking about city governments is when we, the Salt River Tribe, signed a 99-year lease authority (this was about the time when I got mixed up in tribal politics), I didn't know too much about the 99-year lease program. It seems that most of the other tribes would give life for this. You simply had a common name to this 99-year lease program. When Salt River applied for this program, three surrounding communities fought it. Included in the agreement was that before any development came onto our reservation the three communities would have to review and approve this before it could be done.

What happened to our sovereignty: When the cities can overrule the Nation, my people, we ourselves, are the ones that have to be aware. We have this sovereignty which we have to prove to non-Indians, that this is ours; that we are nations within a nation; and that we have these treaties and these agreements, with the Federal Government. It is up to us to assert ourselves and force the government to live up to their promises. In other words, let's abide by the law. The Sheriff is supposed to protect everyone of us.

Mention has been made of taxation. The State was made into the Union because they made a statute on that. Indians will never be taxed, it is a law. What is the State Government doing at this time every year about this? I hope each and everyone of us different tribes stand up as one nation and defend ourselves.

Thank you.

BUCK KITCHEYAN - SAN CARLOS APACHE TRIBE:

I could say I concur with all the things mentioned before but I will go ahead and make a few comments. I am new in office and I was recently elected Chairman of the San Carlos Apache Tribe. I am sure the majority here have heard about the Apache Tribe through the news media within the last few years and I am very happy to be here.

As Mr. Ronnie Lupe has pointed out before, by rights this land here is his, or it belongs to the Apache Tribe. It is true -- you can say these things -- but as other persons mentioned here before this is not enough, even in proving to the government that this land is ours.

Talking about sovereignty, we do have problems within our own Tribal Organization and Reservation. As I was looking through our Tribal Constitution, nothing is mentioned of sovereignty. Maybe something should be put in writing stating what sovereignty should mean to us into our Constitution, and how we can put this into effect in the same way as all of our regulations are put into effect within our Tribe.

Talking about sovereignty, I am wondering in particular about our reservation. In the past the Federal Government has made commitments to various Indian tribes saying that they will provide services to them. They have come to many an agreement, made various treaties, and these have been broken one by one as we have all witnessed it. Now in talking about sovereignty with particular reference to our reservation, we cannot seem to do things on our own. When we try to sit down and have discussions on what we would like to implement on our reservation, or on what services we would like to request from the Federal Government, they are standing right on top of us saying that you cannot do this, but we want you to do this. This is what we are offering you; this is what we think is right for you. I feel this is wrong. As someone mentioned before a lot of these promises that the government has given us in the past, consist of either telling us to do it ourselves or you're going to lose it, or we are going to do it for you. This practice I think should be halted immediately.

We have problems with jurisdiction on our reservation. We have a lake at San Carlos and we started to charge access fees to try to get some revenue to maintain the facilities which were going to be provided for all sportsmen. There were legal questions involved. They were asking "what jurisdiction does the San Carlos Apache Tribe have to enforce these fees?" The whole thing was turned over to the Field Solicitor's Office. We got an answer saying we do have a right to charge these fees as long as you don't go below the water level. So, how far does our jurisdiction go? We have these kind of problems; we have problems with the law enforcement, and with game and fish control. We tried to enforce our own regulations that the Tribal Council had endorsed; laws that they had legislated. We tried to enforce these on non-Indians who came into our reservation and destroyed our land resources. We tried to enforce these laws on them, but here we have a problem again. We are told we cannot enforce our laws on the violators.

I feel that something should be done at conferences like this where each tribal member expresses his opinions and views about how all Indian tribes can work together. I think as we return to our Tribal Government we can present these opinions and views to other tribal members and have discussions on them and finally come up with something that is solid -- a foundation that we can function with.

If we were informed properly before, I think we could have come up with something more constructive. The way this thing is going we are just needing more time. You need more time for conferences set up by the State Commission of Indian Affairs. I feel maybe we should be informed ahead of time in order to come up with something more constructive and be presented properly.

Thank you for your time.

PATRICIA MCGEE - YAVAPAI-PRESCOTT RESERVATION:

I haven't prepared anything for this discussion because I have been so busy doing the day-to-day operations of our sovereignty, the jobs we have to do. But, before I go on, sovereignty to me is that which I relate to closely with the land that we own. Everything that we do in relation to our land has to be approved by the Secretary of Interior. Somehow what sovereignty is held for us, is controlled elsewhere by all the laws that are established. I think we should be looking to Congress to define where our sovereignty exists.

Perhaps we could have input and have them tell us that we are exempt from taxation like from this 895 mentioned in Wendell Chino's memo. In my application for funding, right away I had a stack of forms from agencies throughout the State that said we are reviewing your application. I called back the area where we are and they said that Indians are exempt from this.

I have no statement as to what sovereignty really means. We work within the boundaries of what we do have. Way back in the 30's the Government came to the tribe and said there is an act that has something to do with setting up a self-government for ourselves. If you do, you will get Federal funding, and our tribe rejected it. They said to send in our Constitution and By-Laws and the tribe sent it in. The answer came back from the Interior Department saying we cannot approve your Constitution and By-Laws. You have a system set up whereby your chief is too dictatorial. It was countersigned

by all the members, the leaders, of the tribe. This could not be accepted. So we said, "Well, we didn't even plead to send in a paper like this, you asked for it and now you reject it." So, we sat until 1962 before we ever adopted a constitution and only then because we had been rejected by the IRS, they told us that we cannot have a constitution. You have to submit Articles of Association. So this is what we now govern ourselves under.

Laws of the land have much to do with our sovereignty. There is always a case pending somewhere which involves our sovereignty. Somewhere I need a definition of our sovereignty. That's all I have to say. One thing good about it is that they say, "If you haven't got it, you talk about it, and I can't talk about it and maybe I have it and don't recognize it."

Thank you.

ELMER SAVILLA - QUECHAN:

Well, I have to sympathize with Mrs. McGee on her situation and also with what Mr. Kitcheyan said. But in a way it kind of irks me to hear a tribe talk like this because the only way you can give sovereignty away is by giving it up. The reason the cases are pending is because somebody, somewhere, has the guts to stand up and say we have the sovereign right and we'll take it to court to prove it. So, that's why the cases are there and are pending and some have been settled and I suppose there will always be cases pending because nobody has the guts to stand up and say "you cannot do that County or State. It is our area, our jurisdiction." And the only reason that there are reservations which do not have sovereignty, is that they have given in to the County or State. It is as simple as that. And I hesitate when I hear some tribes saying, "Well, let's get one of our people into County Government or State Government so we can have more say about what goes on." Well, if you want to give up your sovereignty and join the State system or the County system, fine. I do not agree with Indian tribes getting their own legislators because then you are joining the establishment. You are giving up your sovereignty. You no longer can claim exemption from State procedures or County procedures because you have willingly given that up. So when you talk about sovereignty you have it, I believe Patricia, it is there. But we cannot say because I need a certain thing I'll give up my sovereignty and go to the County and get it. It's like we are being a willing slave. The only reason that there are dictators and slaves is because there are so many willing slaves to go along with the dictators.

So my remarks this time will be brief, and I did want to say that the only reason again that lands are lost is because you allowed them to be lost. In the case of Quechan I would like to say, for instance, Reclamation comes down and tries to put a dam up; I'm sure that they would have a hard time on their hands trying to put a dam on our reservation. They tell us we can't get water -- Reclamation does -- for an irrigation project. They say they're not going to allow us to pump water or dig wells. Well, at the same time they have allowed white trespassers to pump water without a right and illegally for thirty years there on the river. So, if we were to say, "OK, Reclamation, we are going to go along with you; you know this is what the law says." It would be very simple for them, but we intend to make them

prove it. If they want the well there, they are going to have to come out and have a fight with us first and then if we win then they can pull the well out. A fellow told me one time "you can't have trespassers on this land; you can't have this land because I worked hard for this. I put money into this thing." And he knew when he went there that it was Federal land, and yet he willingly went there and spent the money and yet now he wants to claim the land and get paid for his improvements. That's baloney in my book! Yet, the local legislators go along with that type of thing. One of the local politicians says that's right, this man worked hard for that land, he fought for that land. And I said, "OK, where do you live politician?" And he said, "Oh, I live over here on 8th Avenue." I said, "All right, this evening I will meet you in your front yard and you and me will have a fight on your front lawn. And if I whip you, I'm going to take your house. Right?" And he didn't have much to say about that, but its the same principle the arrogance that they have in which you let them get away with. An arrogant person is only as arrogant as you allow him to be.

So thats my brief remarks and when you talk about sovereignty, Patricia, you're right. When you don't think you have it, you ain't got it, and if you got it, you have to prove it.

One more remark; Section 194 of the United States Code says that in all trials involving Indian property, the burden of proof will be on that other person, not the Indian. But traditionally, historically, right down the line in every case involving Indian property, the burden of proof has always been on the Indian to prove that it is his, whether it was water, land, or whatever. Yet the United States Code definitely says that the burden of proof is on the other person. So Quechan Tribe, Quechan Nation, the mighty Quechan Nation I would like to say, is going to make them prove this and I hope the rest of you tribes join us. At our Inter-Tribal meeting tomorrow, let's get that strong Inter-Tribal feeling. Let's work together instead of fighting each other. I'll come over to your front yard and help you fight that man, I'll help you; we may lose, we may get whipped. If we get whipped, we'll get whipped together. You know, we don't have to go down in disgrace, giving up before we even fought. So, that's my brief remarks. Let's get that strong Inter-Tribal feeling, let's make them prove it; make them prove that we're wrong.

Thank you.

WILLIAM LAVELL - FIELD SOLICITOR:

It is a privilege for me to be here. I really didn't prepare a speech and since we are running a little behind on time I thought maybe I would just give a few remarks and then we will have questions.

The subject assigned to me was on the subject of sovereignty as it relates to law and order. We have heard a lot of comments that bear on that thus far today, so I don't think I'll go over any of the old ground. What I would like to do is bring you up to date on what is happening in court today on the subject and what is happening on some of the reservations today in regard to that subject, and more particularly, what is happening in the solicitor's office on that subject.

Now let's go back and start out with what is happening in the courts -- the most important aspect. I am not going to go into the major crimes act when the State has jurisdiction over a non-Indian, and a criminal matter on the reservation or that type of thing. I think what concerns most of us here today is, if and when does an Indian tribe have jurisdiction over a non-Indian on the reservation. With that aspect of sovereignty there are several cases on the subject. Some years ago, in the case of Quechan Tribe vs. Rural, the U.S. District Court and Southern District California decided that the Quechan Tribe in California had sufficient jurisdiction to detain some non-Indians who were hunting there without a license. They impounded their firearms, held them, and they eventually returned them. The facts of the case briefly were that just that happened and then the sheriff, deputy sheriff, arrested the Tribal Officer who had done the arresting of the non-Indian who had been illegally hunting. No charges were brought and the man was released several hours later. The Tribe then brought in an injunctive lawsuit against the Sheriff who interfered into their authority to enforce their game and hunting laws upon their reservation, an injunctive issue. That is now on appeal to the 9th Circuit Court. That case pretty clearly gives jurisdiction over the Indian Tribes in the hunting and fishing situation over the non-Indians on the reservation.

Another case up in the Northwest, Oliphant vs. Schlee, occurred earlier this year (I can't think of the reservation right now). What happened was there was some kind of celebration on a small reservation. I think this was in a partial 280 state (the State of Washington); there was an altercation of some kind at this celebration in which both Indians and non-Indians were attending, on Tribal Trust Land. In order to break up the fight the Indian Police Officer went in and arrested the people involved. One of them happened to be a non-Indian who was put in jail. He then filed a Writ of Habeas Corpus in the Federal Court. The Federal Court said that the Indian tribe had authority to arrest him. So again, we have another case that said Indian tribes have authority, jurisdiction, criminal jurisdiction over non-Indians on reservations. That also is on appeal in a 9th Circuit Court.

And getting over here we have had several other cases and I will only mention one which happened very recently in the 10th Circuit Court of Appeals. This was more or less a matter of dictum in deciding another case involving a liquor violation on an Indian reservation, stating that Indian tribes really do not have government powers as such. This is a Missouri case. They (Indians in case) are just associates and really have no power over anybody but their own members. That case so far has been claimed by the Supreme Court and will be reviewed by the Supreme Court.

That is whats happening in Court these days. What's happening on the reservations I think is a lot more interesting, particularly here in Arizona, and I think Arizona tribes have led the way in this particular field. Salt River, Gila River, and most recently White Mountain Apache Tribes have codes which state that the tribe can exercise their criminal laws which apply to all persons who violate the code and are within the geographic limits of the reservation.

Now, at Salt River and Gila River several years ago, in addition to having these jurisdictional statements in their own law and order code, passed what were known as the Implied-Consent Ordinances having to do primarily with

traffic. Salt River, and Gila River to a large extent, have had traffic problems with people (non-Indians) using certain routes across the reservation as sort of speedways to get to one place or another. Particularly in Maricopa County, there was no cross-deputation, so they couldn't get any help out of the County Sheriff's Office. They were in pretty bad shape for enforcing the speed laws on these particular roads. So, they passed an ordinance which said that when you drive on this reservation, you imply consent, by driving thereon, to the jurisdiction of our Courts. And they have arrested a number of people under these implied consent laws and these people have gone through the Tribal Courts.

At Salt River they not only have done it in regard to traffic laws but they have enacted still more laws concerning abuse of drugs, since there are a lot of problems on the river there on the reservation with people coming out there. And in connection with that, they have the same confiscation authority in their ordinance as the Federal Government has where the drugs, which are contraband, are being illegally transported and the vehicles forfeited. I was just talking to Lance today and I understand that they not only have forfeited several vehicles, but they have gone through the procedures set up in their ordinance of selling at least one of them and transferring title. At least that part has gone through smoothly and that is quite an accomplishment to have the State Registry of Motor Vehicles recognize this new title as having come out of a decree.

Now, these are the things that are happening. I'll give you some idea of the magnitude of what is going on. When I heard Judge Rhodes of Gila River speak in June, at that time the Gila River Tribal Court has had approximately 850 non-Indians come before its court on various charges, primarily traffic, but some involving hunting and some off-road vehicular trespass, some just generally involving drunk & disorderly. Now, both Gila River and Salt River have incarcerations for short periods. Non-Indians who were arrested, I assume (I don't know for sure) were probably drunk & disorderly or were drunk driving. So, here we have -- and I don't know the count of the Salt River Court but I suppose it's certainly in the hundreds -- right close to Phoenix, several reservations exercising jurisdiction, criminal jurisdiction, over non-Indians for three years. And you have heard little or nothing about it and the reason you have heard little or nothing about it I think really is the punch line of what I have to say. These reservations have handled these things in a manner, as Mr. Drennan had mentioned earlier when getting into these areas, they have handled them in a very responsible way. Their Courts have given every protection due the suspects; there's been no question of fairness of the courts. In fact, Salt River finally took a rather drastic step concerning this speeding business. They put some road blocks up one morning because they had school busses come along this street and these people don't even slow down much less stop for school busses. They just go whizzing by at 50 or 60 m.p.h. This gets a little dangerous. Several little children were just barely missed one day. The next day they had road blocks up at the roads to stop people and said "This is where the road is closed. Today it's going to be closed during the hours the school busses are here." And it was shortly after that that they implemented the implied consent ordinance and they got a very favorable editorial within a section in the local Scottsdale paper supporting their action. The local people recognized the problem when the Tribe took the trouble and went about it in a responsible

manner, to decide what their problem was and what they had to do about it. The local Scottsdale paper and the local community supported their action. So, we have had undoubtedly over a thousand by now, it should be over a thousand. Non-Indians go through these two Tribal Courts and there has not been one case go to Federal Court yet complaining of any abuse of process or lack of due process or deprivation of civil rights.

This, to me, is the key to this very potentially exclusive aspect of tribal sovereignty -- the jurisdiction over the non-Indian, and the way in which the tribes handle it. As was mentioned here considerably earlier by the Governor and by several of the other speakers -- Mr. Savilla and among others -- there are two sides of sovereignty. Sovereignty deals primarily in a purely legal sense with power and authority. Sovereignty is really a question of how much power and authority does a governmental entity have. But, of necessity where power and authority exist, responsibility has to control this, and the manner in which this power and authority is exercised can, to a large extent, determine the amount of power and authority the government can have and continue to keep.

Now, for what the Solicitor's Office is doing. Back in 1970 the Solicitor's Office issued an opinion to the effect that Indian tribes did not have criminal jurisdiction over non-Indians. Earlier this year a very brief one sentence memo came out of the Solicitor's Office in Washington signed by the Solicitor saying that the 1970 Opinion is no longer to be used as authority, we are re-examining its question. I have reviewed the draft of the opinion, which will hopefully take the place of that old one, and I don't think it will be too much longer when a new opinion will come out saying that clearly, Indian tribes do have territorial jurisdiction in criminal matters. This particular opinion will be limited to criminal law over non-Indians.

One other item that is somewhat in connection with that, and I think Mr. Peaches mentioned something about this a little earlier today; he mentioned that under the Major Crimes Act, the tribes had lost a great deal of sovereignty when the Federal Government took exclusive jurisdiction of the various crimes mentioned in the Major Crimes Act. Again, this matter is being worked on in the Solicitor's Office at present, and the draft is being prepared to the effect that this was not the case. Now, there is no case on this issue and just because the Solicitor issues an opinion doesn't mean that the courts are necessarily going to go along. I think it would be helpful in court to have a Solicitor's opinion with this thing, but this thing is being worked on in the Solicitor's Office in Washington.

Now, to this opinion there is the possibility, in fact probability, that the tribes will retain concurrent jurisdiction under the theory of the two independent governments, and describe the same act as a crime. For instance, it's possible for it to be a crime in the State of Arizona if you commit a certain act. People could be tried for that act in a State Court, convicted, and sent to jail in a State Jail. When you get out, if the Federal Government describes the same act as a crime, you can be tried all over again in a Federal Court and sentenced all over again and serve another term, theoretically. And this is not double jeopardy because these are two governments independent of each other. Now, the same theory very well, and probably will apply to Indian tribes of the Federal Government; at least that's .

the theory that's being advanced in this opinion that's being drafted. That, the tribes can do -- and you know the importance of this (theory) on the reservation where the complaint has been many many times, that a major crime has been committed.

Okay, the local Tribal Government has no jurisdiction, so they call the FBI and the FBI investigates, and maybe the prosecution will be brought about and maybe it won't be. I am thinking of a particular event that happened within the last year up here on this particular reservation. It's pretty far removed from Phoenix and that's where the matter has to be tried, and the simple fact of the matter is that here, and most other places, the attention has not been paid -- perhaps through understaffing and perhaps through a number of reasons by the prosecution in this kind of case that would have to be paid too. If it would have happened within a suburb of Phoenix, the same exact crime, to the person, may either not be prosecuted or if he is prosecuted he might get a slap on the wrist and he's into the community again. And there is a very serious problem on the reservation of maintaining law and order. How do you do it when the people who commit these acts just get no real punishment? If the tribe can, of course, it will always be within the limits of the tribes' punishing jurisdiction (roughly six months and a $500 fine by the United States Civil Rights Act), but, there still is a punishing jurisdiction.

Those are the things and that's a real capsule rundown on what's happening in Court, what's happening here on reservations in Arizona, and what's happening in the Solicitor's Office in regard to one small aspect of this question of sovereignty and really a small aspect, not so small but a growing aspect, of sovereignty as related to law and order, criminal law in relation to tribal jurisdiction over non-Indians. Whiteriver just adopted its code in the past two months. So, I don't know how much experience they have had. Their judge is here today and maybe he could tell us something.

So, with that I would like to stop and open the meeting for questions.

DR. WELDON P. SHOFSTALL - SUPT. OF PUBLIC INSTRUCTION:

Mr. Chairman, ladies & gentlemen, members of the Commission, distinguished Tribal Councils, and guests.

I am most honored to have this opportunity to address this assembly of Indian Leaders and interested patrons on the meaning and responsibilities of the conference theme as it relates to the Arizona Department of Education and especially as it relates to the education of Indian children in Arizona Public Schools. There are other aspects of sovereignty and inter-governmental relationships but I am not well enough informed to discuss them.

Secondly, I was requested to discuss the Johnson-O'Malley Program for aiding Indian education in the State of Arizona. To fully discuss Johnson-O'Malley would take considerable time -- much more than allotted for this presentation. Furthermore, new regulations have been published within the last two weeks. I have not seen them. I will therefore speak on the Johnson-O'Malley Program as agreed upon in our current State plan. Should you have any specific questions our Johnson-O'Malley Administrator, from our Division of Indian Education, is here to help you.

The school system is one of interdependence between public and private schools, school boards, and of most significance, the parents and students. One most assuredly affects the other. So far as the system is concerned, there should be no significant difference between public schools on the reservations and the others.

In all its complexities, frustrations, dedications, and rewards, the spectrum known as public education is an infinity of inter-relationships between all men of goodwill regardless of race, color or creed.

Through its many divisions, the Department of Education provides numerous educational services to all children in Arizona in compliance with State Laws and the policies of the State Board of Education for free public instruction. (Note: I have with me a list of services we provide and the person you should contact for each.) To be effective each service provided by the Department requires the coordinated effort of all concerned. To be successful, the active involvement and dedication of all concerned are required.

I mentioned earlier the Department of Education as a service agency. To help us accomplish this goal we have created an all-Indian, Division of Indian Education within the State Department of Education. In the few months of its existence, the staff has tried to help Indians help Indian youth. Changes may not be entirely visible at this point, but, I am confident that within the very near future the increased educational opportunities and benefits will become more obvious as a result of help from our Division of Indian Education.

We recognize clearly that the mere presence of Indians within the Division of Indian Education does not relieve other members of the State Department of Education from the responsibility to provide educational services to the Indian communities. It does signify that the Indian communities through this Division can create relationships and sources from which to utilize the total services of the Department.

This is your Division. During the interview for the directorship of our new Division of Indian Education two statements which best describe the position of the Division were frequently heard: "To serve my people" and "to provide the opportunity whereby they can receive the best educational experience possible."

In the report to the Governor, we, in the State Department of Education, strongly emphasized the need for community and especially for parental involvement. We have strongly recommended this involvement as a goal of the Division of Indian Education. They have been urged to plan, design, and implement parental involvement methods for each of the programs serviced by the State Department of Education.

We realize the matter of "sovereignty" is of great concern to the Native American and Tribal Councils or Governments throughout the Nation. This is as it should be. Educational "self-determination" of the Indian people must start in the home and be expressed in the school district.

To accomplish self-determination, you must "encourage one another as leaders of your people and communities to share in the creation of truly meaningful educational goals for all the needs of your children." Your children have special needs you must never neglect.

The responsibility of the Federal Government for the financial support of Indian education is a long recognized fact. This dates back to the early treaty negotiations, December 2, 1794, between the Constitutional Government and the Oreida, Tuscarora, and Stockbridge Tribes. In 1802, March 30, Congress made provisions for expenditures of a sum of money for the education of the original inhabitants, thereby assuming responsibility for Indian education. By the Act of March 3, 1819, 3 Stat. 516, R.S. Sec. 2071.25 U.S.C. 271, Congress provided that ... "the means of instruction can be introduced with their own consent ..., for teaching their children in reading, writing, and arithmetic, ..." This provision was adopted two years later and still stands as the organic legal basis for the financial support of Indian education by the Federal Government.

Please note the emphasis, in this legislation, upon reading, writing, and arithmetic. Unless your children learn these basic skills, any other attempts to help them will be largely futile. This is even more true today than it was March 3, 1819.

In the ensuing years, the Federal Government has performed its legal responsibilities in three ways through:

A. The Department of the Interior - Bureau of Indian Affairs in operating boarding and day schools; in Johnson-O'Malley payments; payment for adult education; and in providing college scholarship funds.

B. The Department of Health, Education and Welfare, in P.L. 874 and P.L. 815, along with P.L. 89.10.

C. The Office of Economic Opportunity and the Department of Labor have supported Indian education financially by providing head start programs, community action projects, and the training and job placement of adults.

This brings us to the present and the topic of politics in Indian affairs of the 70's as related to public education. As previously stated, the policy is one of "self-determination" so far as we in the Department of Education in Arizona are concerned. With the present activities of various Indian organizations, this basic philosophy of self-determination in education seems to be in jeopardy. There are differences of opinions and methods. Indian people should seek unity and agree upon specific educational goals. At the present time they are hampered by these disagreements. This hurts Indian children.

Tribal Councils say they believe sincerely in the idea of self-determination. But some Indian organizations seem just as determined to provide only a catalyst for radical political changes. These Indian organizations don't seem to be interested in the education of your children.

There are many excellent Indian organizations that are instrumental in bringing about legislation on Indian policies. And there are just as many who jeopardize the opportunities for negotiations regarding education. The question -- "Who will speak for the Indians?" becomes crucial. Our inability to answer this question makes it difficult for us to help children as much as we would like. Arizona Indians must get tough with BIA, especially regarding band analysis as it relates to public education. Otherwise, you can lose J.O.M. financial support of public education and J.O.M. is absolutely necessary for public education for Indian children.

We do feel also that decision making about education should be decentralized and removed from the complexities of the Washington Offices. Responsibility should be given to the local people, through local public school boards, to decide their own education. Real progress will come only through motivation, desire, and actions based upon the mutual concerns for the education of the Indian children.

We, in the State Department of Education, believe strongly in Indian controlled school boards. In Arizona, our Johnson-O'Malley major impact schools (public school districts on Indian reservations) are now 82% Indian controlled or, of the 54 school board seats, Indian people hold 42. This number should be increased. Furthermore, these school board members must learn how to do their jobs better. We want to help with this.

The basic American concept for the Administration of Education is that it is a local responsibility. There is, generally speaking, little public disagreement with this position with respect to the rights of Indian children to educational opportunities in public schools. The difference of opinion arises primarily over financial responsibility for providing education. But, we have these same differences of opinion and problems in non-Indian public schools.

Federal assistance is currently being given under the authority of the Act of April 16, 1934 (48 Stat. 596), amended by the Act of June 4, 1936 (49 Stat. 1458), commonly known as the Johnson-O'Malley Act, through State contracts with BIA in 15 states and the Territory of Alaska and through District contracts in 5 states and Alaska.

I asked Mr. Harrell, who is much more familiar with Johnson-O'Malley than I, to prepare the following statement about Johnson-O'Malley. He suggested that first we should read to you from the Johnson-O'Malley Act itself to help you understand that Congress passes legislation, or acts as they are called, but it seems to be impossible for the United States Congress to make laws that are immediately operable. Consequently, after Congress passes an act, that unit of government, in this instance the Department of Interior, must then write regulations that govern and make it possible to implement the intent of the United States Congress.

The Johnson-O'Malley Act as passed in 1934 is as follows:

> "Be it enacted by the Senate and the House of Representatives of the United States of America, in Congress assembled that the Secretary of the Interior is hereby authorized in his discretion

to enter into a contract or contracts with any State or Territory having legal authority to do so for the education, ---etc., including relief of distress of Indians in such State or Territory through the qualified agencies of such State or Territory and to expend under such contract or contracts monies appropriated by Congress for the education, ---etc.

"Section III. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations including minimum standards of service as may be necessary and proper for the purpose of carrying the provisions of this Act into effect, provided that such minimum standards of service are not less than the highest maintained by the States or Territories with which said contract or contracts as herein provided or executed."

The Johnson-O'Malley Act, as just quoted, did in 1934 provide for contracting with States and Territories. On June 4, 1936, the Johnson-O'Malley Act was amended to read, and again we quote: "That the Secretary of the Interior be, and hereby is, authorized in his discretion to enter into a contract or contracts with any State or Territory or political subdivision thereof, or with any State University, College or School or with any appropriate State or Private Corporation, Agency or Institution for the Education, ---etc., through the agencies of the State or Territory or of the corporations and organizations therein named, and to expend under such contract or contracts monies appropriated by Congress for the education, ----etc."

It is to be clearly understood that the amendment does allow the execution of contracts with political subdivisions of States, meaning in this instance school districts. These contracts with the subpolitical agencies, i.e., school districts, may be made through the official agencies of the State. In this instance the agency of the State that handles the public educational program is the Arizona State Board of Education.

The Department of Education is administered under the policies of the State Board of Education and laws of the State Legislature. All contracts for public education in Arizona must be approved by the State Board of Education. They must approve and the contracts must be adminstered through the Department of Education.

It should be clearly explained that about every twelfth person in Arizona today is an Indian, and as other people of the State are educated, so shall and are the Indians to be educated. There is, however, some difference. Indian lands, that is lands within reservations, held in trust by the Federal Government, are not taxed as are other properties in the State. The Indians do pay some tax but no property tax is levied on the real property of Indian lands.

New regulations have been published in the Federal register. We have not received them at this time. The present contract and operational plan for Indian education provides that the Federal Government pays to local school districts educating Indians on the basis of the total needs of the budget after total receipts from all other sources of revenue to which the district

is entitled have been computed. This entitlement includes balances forward; State and County apportionments; Public Law 874 Funds; and funds raised from a local tax levy based on an average tax rate (of the prior year) in comparison with similar type districts in the State of Arizona. We believe this is a fair and correct method of implementing the Johnson-O'Malley Act in Arizona. The Arizona Plan that governs the contract between Arizona and the Department of Interior, Bureau of Indian Affairs, was adopted July 1, 1968, and last amended April 10, 1973. The Indian Advisory Commission of Education was added at this time.

There is at the present time a task force working on recommendations for a revision of the Arizona Johnson-O'Malley State Plan. As we stated before, we believe our plan is a fair plan. Attention to a new plan should be directed to the following provision in the law 33.5(d) which states:

> "Uniform application of State law, states entering into a contract under the provisions of this part shall agree that schools receiving Indian children, including those coming from Indian reservations, shall receive all aid from the State and other proper sources, other than this contract, which other similar schools of the State are entitled to receive. In no instance shall there be discrimination by the State or sub-division thereof against Indians or in the support of schools receiving such Indians, and such schools shall receive state and other non-Indian bureau funds or aid to which schools are entitled."

Any new plan developed for Arizona in the field of the Johnson-O'Malley Act should certainly always preclude, as much as humanly possible, any conflict between that State plan and State law.

The task force working on a revision of a State plan should not try to complete its work in developing a new State plan until the new regulations as filed are available and adopted. Of course, the members of the task force should continue to meet and discuss all of the problems that might confront them when they begin to write recommendations for a new Johnson-O'Malley State Plan for the State of Arizona.

You should be aware that until the year 1967-68 there has always been adequate funds available to Arizona to meet provisions of our State plan. The Arizona Congressional delegation and members of Congress from other States have assured members of our State Legislative Committees that it would be no problem to obtain adequate Federal funds <u>if requested by the Bureau of Indian Affairs</u>. Please note that the funds are requested by BIA from the United States Congress and not requested by the State Department of Education.

We think the possibility of obtaining supplemental funds when needed should be investigated. The amount necessary to meet all obligations would mean an increase in the request from the Bureau of Indian Affairs. We feel that this is a very minor appropriation compared to the billions of dollars appropriated in other areas.

Indian students in the State of Arizona attending the public school system in Arizona are treated exactly as all other children are treated. The State of

Arizona does not differentiate between school children on the basis of race. The State must distribute State financial aid for Indian children attending the public schools. Furthermore, the local school districts must levy taxes for the education of these Indian children.

It is our opinion that the Johnson-O'Malley Act and the regulations to implement that act to date, at least, was not designed by the Congress of the United States nor by the Department of the Interior to provide special services to any class of students attending public schools in any State. Title I of the Elementary Secondary Education Act, on a program basis, and Title IV of the Higher Education Act, both operated out of the Department of Health, Education and Welfare, Office of Education, do have provisions for special programs for special students.

To repeat, public schools on reservations participate in such special programs just as schools not on the reservations. We also feel public schools on reservations would benefit if the adequate financing of Indian education by the Federal Government were a responsibility of the U.S. Office of Education rather than the U.S. Bureau of Indian Affairs. But, this is only a personal opinion.

It seems certain the regulations for distributing money will be changed. We can't say when or how. We do know that for this year we must operate under the present State plan. We hope the new regulations are written to give first priority to public education for Indian children above all the other needs of the tribes, and that Indian school board members, parents and Tribal Officials make every effort to see that this money is not a part of the band analysis program in current use by the Bureau of Indian Affairs. The band analysis program does not give first priority to public education. This, we feel, is serious. Indians interested in public education will fight band analysis.

In closing, we will answer:

Question A: What is the total Johnson-O'Malley funding for Arizona?

Response: The State of Arizona was allocated $4,035,000.00 per Bureau of Indian Affairs Area Offices -- Phoenix and Window Rock.

The Phoenix Area Office was provided an advice of allotment for $1,050,000.00, of which $1,020,000.00 will be contracted to the Arizona Department of Education for thirteen non-Navajo major and minor impact school districts. The remaining balance in the Phoenix Area Office will be distributed to J.O.M. programs in Nevada and Utah. That balance includes administrative costs for the Area Office J.O.M. position.

Question B: (1) How were the Johnson-O'Malley funds divided?

Response: If the question is directed to the amount per Area Office, the the determination was based on a ratio of three (3) previous fiscal year funding distribution for J.O.M. Navajo and non-Navajo schools which resulted in seventy-four percent (74%) and twenty-six

percent (26%), respectively. This ratio determination was made by the Bureau of Indian Affairs.

For individual schools, the contracted Johnson-O'Malley funds are distributed on the basis of the Arizona Johnson-O'Malley State Plan.

(2) How will the funds be divided per tribe and, if not by tribe, then what amounts per County?

Response: Johnson-O'Malley contract funds are programmed to eligible public school districts on or near an Indian reservation; said contract is entered into between the Bureau of Indian Affairs and Arizona State Department of Education through the J.O.M. State Plan (as approved by the State Board of Education) for educational services provided to eligible Indian children. At present, no J.O.M. contract funds are administered by any Arizona Indian Tribe. (See Arizona J.O.M. State Plan.)

It is a fact that the per capita costs on the reservation are higher than in other areas. For example, due to isolation, etc., salaries are higher; also, the language problem requires lower teacher/pupil ratio. These, in addition to items such as high cost of transportation due to road conditions, etc., will increase the per capita cost. Therefore, the use of Johnson-O'Malley funds to meet these higher costs should be considered as absolutely essential for quality education for Indian children.

TO SUMMARIZE

The parents of Indian children must become more and more involved in the education of their own children. This means they must elect Indians, as their representatives, on the school board of every public school located on a reservation. They should also have official Indian Advisory Boards for each school. But, this is not enough. Parents must also maintain close relationships with their own school board members. Parents must feel and take responsibility for the education of their own children.

This is Indian sovereignty in public education. This is Indian self-determination in relation to public education.

Finally, education of your children must be given priority over all else and you must decide the nature of that education.

THE HONORABLE N. WARNER LEE - ARIZONA ATTORNEY GENERAL:

Thank you, Mr. Grey, Tribal Leaders, fellow members of Arizona's Commission of Indian Affairs and all other conference participants.

I am pleased to have the opportunity to share your thoughts and mine on the subject of inter-governmental relations among Indians and non-Indians.

I am particularly pleased to participate in this meeting because in my former capacity as Assistant United States Attorney in charge of the Phoenix Office, during the several years prior to becoming Attorney General, a great deal of my time and efforts were devoted to criminal law problems involving Indians and Indian Country.

It became abundantly clear that the existing morass of jurisdictional and equal protection controversies could not be allowed to continue to exist in a system that prides itself upon equality under all of the laws for all Americans.

In my opinion, a meaningful relationship among the various interested governmental units (i.e., among Indian Tribes, State and Local Governments and the Federal Government) begs for a commitment by all of us to agree to mutual governmental policies which will promote -- not discourage -- cooperation on problems of joint concern.

In the past, well-intentioned and, I am confident, sincere representatives of all of us have expressed openly their desire to develop a progressive and constructive relationship among Indians and non-Indians. However, an essential ingredient -- if not the essential ingredient -- which is necessary to accomplish that goal and which often has been noticeably missing in the past is a determined commitment by all of us to succeed in that direction. That commitment must involve our time, our conscious effort and -- most important -- a mutual determination to accomplish the mission.

Although the meaning of the expression "Indian Sovereignty" may be complex, the applicability of State laws to Tribal Indians, without tribal consent, is well established. 142 years ago, the Chief Justice of the United States Supreme Court stated, with respect to the Cherokee Nation: ". . . (it) is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force . . ." (Worcester v. Georgia 1832, 8 LEd 483.)

The policy of leaving Indians free from State jurisdiction and control is deeply rooted in the Nation's history. Just last year, when the United States Supreme Court advised the State of Arizona that its income tax laws may not be imposed on a reservation Indian whose entire income is derived from reservation sources, Justice Marshall stated the following -- for a unanimous Court:

> ". . . It must always be remembered that the various Indian tribes were once independent and sovereign nations, and that their claim to sovereignty long predates that of our own Government. Indians today are American citizens. They have the right to vote, to use state courts, and they receive some state services ... They were, and always have been, regarded as having a semi-independent position when they preserved their tribal relations; not as States, not as nations, not as possessed of the full attributes of sovereignty, but as a separate people, with the power of regulating their internal and social relations, and thus far not brought under the laws of the Union or of the State within whose limits they resided ..." (McClanahan v. State Tax Commission of Arizona 1973, 36 LEd 2d 129.)

Although some legal scholars still may present rational arguments in support of State action in isolated areas of Indian Affairs, I think there is little--if anything--to gain by promoting protracted litigation in order to identify that "residual" state jurisdiction -- if any exists at all. The genius of our derivative system of anglo-saxon jurisprudence and legal system is that "logic" in the pure sense of the word was never a cornerstone of that system. History and pragmatic guides were guiding lights of our system of government. I say this before it is pointed out that logically Indians are either full fledged Arizona citizens or they are not. They have been fully endowed citizens of Arizona since 1948 in the case of Harris v. Laveen (67 Ariz. 337, 196 P.2d 456).

I think the attentions of all of us should be focused more on developing policies for constructive negotiation and less on arguing jurisdictional issues.

However, constructive negotiation will not result if any of the interested parties attempt to dictate solutions; cooperation and coordination can be achieved only through mutually supported decisions.

A vehicle which already exists -- and which has been in existence for approximately twenty years in Arizona, is the Commission of Indian Affairs, which is the official link between the Tribal Governments and the State Government.

There are some inherent factors with regard to utilizing the Commission of Indian Affairs which appropriately should be noted:

1. The Commission is a creature of Arizona's STATE Government.

2. Although Indians comprise a majority of the Commission's membership, the Indian members are appointed by the Chief Executive Officer of Arizona's STATE Government.

3. The extent to which the Commission can participate in such a project is limited to the amount of funds appropriated by the law-makers for Arizona's STATE Government.

However, with a determined commitment by the Executive and Legislative Leadership of Arizona's State Government, I am confident that the Commission can be utilized effectively to ". . . secure cooperation between the Federal, State and Local Governments in the promotion of the welfare of the Indian people ...", which is the Commission's function.

It would be my present recommendation that the Commission of Indian Affairs be assigned the specific responsibility to organize immediately a working task force to study the ways and means of developing mutual governmental policies among Indians and non-Indians which best will assure the establishment of a permanent relationship of good will and understanding among each Indian tribe and the State and Local Governments of the State of Arizona.

It would be my further recommendation that a report of such a study be prepared and distributed widely throughout the State.

It would be my further recommendation that a definite timetable be defined within which to complete the study and to prepare the report.

It would be my further recommendation that Arizona's Legislature appropriate funds sufficient in amount to enable the Commission to complete its task meaningfully and without unnecessary delay.

Naturally, consistent with my remarks a few minutes ago, the decision to assign such a task to the Commission of Indian Affairs is one that should be made only if there is mutual agreement that that is an appropriate assignment. In that regard, you have given me the opportunity to express my thoughts to you. I have listened to the opinions expressed by many of you here, and I intend to continue to listen both during this conference and after we all report back to our respective pursuits in life.

However, together -- and I think that may be the key -- together I pray that we will proceed with the commitment to achieve a relationship among our various Governments which permits all of us to live together in harmony and, at the same time, permits each of the various Governments which we represent to function independently.

Thank you for the courtesies you have extended to me.

KENNETH COPLAN - NAVAJO COUNTY UNDERSHERIFF:

In the problems of jurisdiction it is quite a problem with us in Navajo County and then to the Sheriff's Office. The powers and duties of the Sheriff, according to ARS 11-441 are: shall preserve the peace that is within his county; he shall arrest and take before the nearest magistrate for examination all persons who attempt to commit or have committed a public offense; to prevent and suppress all affrays, breaches of the peace, riots, insurrections which may become acknowledged; attend all courts except Justice and Police Courts for their sessions which are held in the County, and obey their lawful orders and directions; take charge of, and keep the County jail and prisoners therein; endorse upon all process of notices the year, month, day and how they are admitted -- this is for civil papers to be served; issue to the person delivering it upon payment of fees, a certificate showing the names of the parties, title of paper, and time of reception; serve process of notices in the manner described by law and certify under his hand upon the process of notices, the manner and time of service, or if he fails to make service, the reasons for this figure and return them without delay (as described) in Subsection B.

The Sheriff may, in the execution of duties described in paragraphs 1 through 4, inclusive, in Subsection A (that's paragraphs 1 - 4), command the aid of as many male inhabitants of the County as he deems necessary. There is one other one (duty) that's listed there and that is that the Sheriff collects all delinquent taxes. This also causes quite a lot of problems when we get into these court decisions on who is and who isn't supposed to be paying taxes on reservations. They soon find out that if any person they have taxed is an Indian, we don't try to collect it since we know they aren't supposed to pay it; but, there are non-Indians living on reservations who have property and who apparently are supposed to pay taxes.

The responsibilities that the Sheriff has by law is quite monumental when you consider that Navajo County is the only one of the fourteen Counties in the State which consists of 9,910 square miles. The Sheriff's Department has a total of 23 people working and this includes three women dispatchers, clerks, and a night jailer. You have in 1973 an estimated population of 54,000, an average of 4.8 persons per square mile. So, they're pretty scattered out. Navajo County is about 200 miles long. It is over 2/3 the length of the State of Arizona.

We have five municipalities which furnish their own police departments. These are towns that have their own town ordinance and their own police departments to enforce the laws. The White Mt. Apache Tribe, Navajo, and Hopi Police Departments enforce the Tribal Laws there. We have enjoyed very good cooperation with all the various police departments, individual officers, and the leaders of the different tribes in all law enforcement needs. The problem is with court rulings on civil rights and jurisdiction which have come up within the last few years. Quite a few officers are pretty paranoid about making or asking any questions about jurisdiction and a lot of people have gotten by with things they shouldn't because no officer is sure he has the right to arrest this person.

About 68.3% of the Navajo County is on the Indian Reservation or Indian Reservations. This includes most of the Hopi Reservation, good size chunks of the Navajo and Apache Reservations, and some that I guess the Navajo and Hopi haven't decided yet who belongs to what. Most of all this joint-use land is in Navajo County (we don't want to get into that at all). On the reservation the various tribal police have jurisdiction over Indian people but evidently have been told that they have no jurisdiction over non-Indians. And what Mr. Lavell just said about these tribal codes is real good news to me, and I am sure will be to all our department because they have had quite a bit of problems with this. The Sheriff's Department has jurisdiction over non-Indians on the reservation and off the reservation. In the ten major crimes that the FBI investigates, there are not too many problems there, except that it does interfere with your sovereignty. But, if a person is assaulted or a robbery takes place and it involves an Indian person, the FBI does take charge of it and takes care of it. The problem that we have had is in the petty crimes that the United States Attorney feels that they don't merit prosecution, so the FBI won't do anything about them.

In the case of McGee's Trading Post in Keams Canyon which was burglarized a few years back, about $8,000 worth of Indian jewelry was taken. I was assigned to the case and if it turns out that it was a non-Indian that committed the burglary and then, of course, it is the Sheriff's Office responsibility to investigate and prosecute it. An FBI agent was also assigned on the chance that an Indian did commit the crime. Also the Hopi Police were quite active in this thing and Evans Nuvamsa was with the Hopi Policemen who worked on that case. As soon as they found out for sure that it was a Navajo Indian who committed the burglary, the FBI took it over and we dropped out of the case.

Apache County at this time has two homicide cases that they're working on where non-Indians were found dead on the reservation near the State line. And until they learn who committed these murders, it is not sure who is

supposed to be investigating. At this time the FBI and Apache County, and I guess the Navajo Police, all are checking on it. The one that really caused us concern was a recent case on the Hopi Reservation where a Negro male was stopped by Hopi Police and found to be in possession of liquor. This is a violation of tribal law but they evidently were told they didn't have any jurisdiction over a non-Indian, so they couldn't do nothing about it. Also, we have been told that in Kayenta they had several cases lately of Indians, especially Navajo juveniles, being in possession of Marijuana and some other drugs. They have been told there is no Navajo Tribal Code forbidding the possession of Marijuana and they're not subject to State law so nothing has been done about it. I have to differ, there is a Federal law on it. But, it is a very bad problem and something should be worked out.

In Kayenta at this time I am working on a case up there where a non-Indian committed several burglaries against non-Indians. The FBI is also investigating this same guy on some crimes that they think he may have committed against Indians. In Kayenta we have some pretty serious problems up there because within the last few years Peabody Coal Company opened this big mine up there and they have a lot of non-Indian people there. And whenever you have a bunch of people together you're going to have some people breaking laws. You're going to have petty assaults, traffic violations, and when you get into thinking about this, there is a big problem whether anybody has jurisdiction to arrest them or not. At this time we do have a deputy there. He is a young fellow who doesn't have too much experience. He's been given a commission card by the Navajo Tribal Police and he does work with them, and also the Tribal Police there have been commissioned by the Sheriff. We do have at this time a justice of the peace in Kayenta and the Board of Supervisors of the County have seen fit to do away with it. So, after the first of the year, any State violations there will have to come into Holbrook. In other words, with a couple of DPS officers living there, and our deputy, anyone they cite or arrest and who is not subject to Tribal Court will have to be hauled all the way to Holbrook. On U.S. 260 there is a lot of traffic on that highway and if they pick up a drunk driver up there they are faced with a problem -- that is if he is a non-Indian; either they let the guy go, or they haul him 220 miles to Holbrook and put him into jail. By the time they get there he's sober.

So, if these tribal codes are handled so as to where they can handle non-Indians, this would be a big relief to us. We would be all for it. This was some of the outline of my speech: that there is a need for some guidelines to be made so that the separate agencies and individual officers will know just what jurisdiction they do have. I personally feel that this would only be fair. The tribal codes could say, "If you're on the reservation, you're subject to reservation law. If you don't like it, I guess you can stay off."

If you go into an incorporated town like Phoenix or Tucson or any of the smaller towns which are incorporated, they have their city council, they set their city ordinances, they have their city police and any person, regardless of race or creed or whatever, is subject to those ordinances and is subject to arrest. And their municipal police have more power of arrest than any other police officer in the United States because they can enforce municipal laws, state laws, and federal laws. And I see no reason why the tribal police couldn't have this same authority. In closing I would like to say

if there is anything that my department can do to help anyone on this, to help with the task force, or to cooperate with any law enforcement agencies we will be more than glad to do so. And if anyone has any questions I will be glad to answer them.

One thing that I didn't mention. The reason that we have had some recent cases in Whiteriver is because there are some non-Indians who are living on the reservation and are married to Indian women and they have had family fights but really shouldn't be arrested. But, this is one of those deals where the U.S. Attorney won't go on an aggravated assault charge, which would be a major crime. The tribal courts feel they don't have jurisdiction and the justice of the peace in Pinetop (which is the nearest JP) has been told by the County Attorney that he doesn't have jurisdiction over them. That makes these people more or less immune to arrest for these offenses. This is not right and something should be worked out. If this tribal code works, that will probably be the answer to it.

Thank you.

EVANS NUVAMSA - ARIZONA INDIAN JUSTICE SPECIALIST:

Ladies & Gentlemen. I am indeed honored for this invitation to participate in your seminar and to have the opportunity of meeting friends. I am pretty sure a lot of you have already known or dealt with me in the past and I hope you can bear with me as I make my presentation for those who have not been exposed to what the benefits are from our program.

My assigned topic was assigned to me by my good friend, Clinton Pattea, which is confining the planning area to Arizona Indian tribes alone. But, I will have to bypass that and give it a little more broader details as to who is eligible for assistance from what is commonly known as Law Enforcement Assistance Administration. And for those who are unfamiliar with what LEAA is, I will give a little brief history on LEAA and the Arizona State Justice Planning.

First of all, I want to concentrate on the area of planning. If you want to seek positive results from anything, you have to plan comprehensively. So, when you're sitting still and somebody pops in and says, "Is this all you're doing, sitting back there earning money?" Say, "No, I am thinking comprehensively, because I have to plan later on." Planning can be accomplished in various terms, aspects, and methods. You can develop a plan just by thinking, by exchanging ideas in a group, scheming, etc. However, planning by comprehensive means is found to be most effective. In order to provide you with positive emphasis on comprehensive planning as it relates to criminal justice, I must first give you a brief history of how this LEAA, Arizona State Justice Planning, came into being.

Back in 1968 the Congress of the United States passed an act called the Omnibus Crime Control Safety Act, Public Law 90-445, 90th Congress. The founders of this law emphasized that this law is considered to be the responsibility of the local governments because you can't apply the same reason on any other matter. Like take the BIA or any other federal program.

You receive a lot of dictation from the higher up, but you people being at the local level are the only people that really know the problems that you're facing. And how can a person that has never been exposed to the actual problems at the local level (at the reservation level) know how to identify the real problems and how to approach them? "They" dictate a lot of these regulations, policies, and such from Washington level. But, you and I know that you just can't apply some of these policies because they do not address to or they don't hit the spots or the actual core of these problems.

So, that is the reasoning behind this law which is one of the very few programs and which really is addressing the needs at the local level. The law only provides for the monies, but the responsibility has been assigned to the United States Justice Department. Then, they in turn established an administration called the Law Enforcement Assistance Administration. From there on, they further broke it down to the regional levels, and then from the regional levels to the state levels, and state levels down to the units of general local government, under which the Arizona Indian tribes are listed. So, all our responsibility really is, is to listen to you people as well as work with you to help you develop your plans, and to help you identify your own problems. I am in no position, nor do I have any authority (nor does anybody else in our office have authority) to dictate to any one of the Indian tribes or to tell you what the problem is on your reservation. We want you people to tell us what your problems are, and we want you to tell us how and what are the best means of addressing to these problems, and we will work with you. We can only help you by means of developing such plans and providing you with financial assistance to implement whatever plans that you may develop.

One other thing -- one matter that is really always accepted by Indian tribes and that's saying, "What all do we have to do? Are there regulations, guidelines to tell us what to do, what not to do?" Some of them can regard this as the same thing as receiving dictation at Washington level. But, let me tell you here again, the program (LEAA program) is a little more flexible in that area. They apply certain guidelines and there are regulations in the implementation of these projects for the purpose of guiding you for the proper, and also adequate, implementation of these grant funds. So, the only thing that I strongly emphasize are certain parts of the act (Part B, Section 201) which state in part:

> "It is the purpose of this part to encourage states and units of general local governments to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of state and local problems of law enforcement and criminal justice."

The eligibility of an applicant for LEAA funds can then be determined as defined in Section 304 of the act as follows:

> "State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a state planning agency determines that such an application is in accordance with the purpose and in con-

formance with any existing statewide comprehensive law enforcement plan, the state planning agency authorizes to disburse funds to the applicant."

Now, for the State of Arizona I want to add one little thing. I don't know if all of you will agree with me, but these are the two parts, since acception of this act, that have been bypassed for a reason in my office. Because when I first came on board and first tried to introduce the program to the reservation tribes (and I don't blame any one person for this matter or any one tribe for this matter) but everytime when I came before the Tribal Council to introduce this program -- which I think is much more beneficial than any other federal program -- but you know they sat and listened to me like "zombies." And then when I closed my presentation and asked for questions -- like my own tribe, I only got response; one person raised his hand and asked, "Is this another one of those BIA programs? A lot of promises and no results?" What could I say because it was new and I hadn't delivered anything yet and was only trying to introduce, more or less activate and interest others to take part in this program. But at the minimum of six months after really going out there and doing work for these tribes, I started to produce and I started to deliver the services, the items, and whatever they had asked for and their eyes began to open.

(Tape was changed at this point and part of speech was not recorded.)

I hope that everyone understood what I just read which is part of the Act where the tribes from now on will have to establish their own eligibility as far as participating in LEAA. Because for the four years I have been there, I have asked for additional manpower, but I haven't received any help so far yet. The volume of my work has increased at a rate better than 50%. So, I am going to have to rely on all individual tribes to provide my office with their annual comprehensive plans so that I can have my own time to consolidate those plans, including our annual state comprehensive plans, because that's generally what they ask for when we receive an application. It is my responsibility to review this application and to determine whether it is consistent with our state plan, before we can attach our certification of consistency. So, I hope this is not asking too much of the tribes and that they only enforce that which is required by law as called for in the Act.

Thank you.

SAM DELORIA - DIRECTOR,
AMERICAN INDIAN LAW SCHOOL, NEW MEXICO LAW SCHOOL:

Thank you Mr. Chairman. Ladies and Gentlemen, members of the Commission, Tribal Representatives, Government Officials, and "Zombies," whoever they may be.

I want to say a few words about tribal sovereignty since that's what the meeting is about. Five or six years ago you didn't hear people talk too much about tribal sovereignty. You know I was just thinking today why it is that suddenly thats all anybody talks about and then, in some ways it is

being overdone -- with every problem some people think the answer has something to do with tribal sovereignty and with every issue some people think that it involves a tribal sovereignty issue. Everything thats done -- it seems to me that people think it has to be done on the reservation or tribal sovereignty is being surrendered.

The first time I ran into the idea of tribal sovereignty, I was reading a book by a man named Felix Cohen, A Handbook of Federal Indian Law. And I had the occasion several years later to compare the 1942 original edition of Felix Cohen's Handbook with the 1958 edition, which was supposed to be a revision of that same book. What happened was we'd taken it to the American Indian Law Center and persuaded the University of New Mexico Press to reprint the 1942 edition. They got half way through reprinting it and then one of them sat down and started to read the '42 edition and read the '58 edition and they couldn't tell the difference. I was in my last year of law school and I got a call from the Dean and he said, "Are you sure there is a difference between the two editions?" "Yeah, there is a difference." So, he said, "Why don't you do a paper that proves it because they are going to pull a plug on this republishing campaign unless you can show them that there is an important difference." I needed very little excuse to miss classes in those days so I sat down with one copy of the '42 edition here, and the '58 edition there and went through and compared every word. Very few of the differences between those two editions had to do with any new law that was made between 1942 and 1957, either by the courts or by Congress. Most of the differences had to do with policy judgements by the people who drafted the 1958 edition and it wasn't a completely new job. Most of the language was the same, and in fact what you had obviously was an editor sitting down and reading a sentence of Felix Cohen's (edition) and decide whether to leave it intact, to add a word, to take out a word, or to knock out the whole sentence. So, you knew the kinds of judgements that were being exercised. Every place Felix Cohen used the word "international," it was struck out. For example, "when a treaty is violated, an international obligation may result," that whole sentence went in a hurry, I can assure you. Every place Felix Cohen used the word "sovereignty" the people in 1957 would put a little arrow and write "quasi-sovereignty." This was the story all the way through, and in order to do a complete job for this, and to avoid going back to class as long as I could, I did a 120 page paper comparing these things. And one of the important things that came out of this rewrite -- this revision -- was that an Indian reservation is a lawless sanctuary in the middle of the peaceful and freedom-loving United States of America.

Remember the stories about Hanging Judge Parker in Fort Smith, Arkansas who would sit there and wait for John Wayne to bring the desperadoes back from the Indian territory and he'd string them up? A lot of people still try to create the same impression about reservations now; that thugs and felons run up on the reservations so they can't be arrested, and also that corporations run up on the reservations so they can't be taxed; that Indians stay on the reservations so that they can be outside the reach of civilization. This whole idea of an Indian reservation as a place with no law, and that it is a place where normal civilized government doesn't exist, is a very important foundation of the kind of legal and political thinking that is opposed to the continued existence of Indian tribes. It's very clear in any examination of the '58 edition of the Felix Cohen work, but it's also clear in a lot of the political rhetoric that you hear from state officials of one kind or another.

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But, back to the issue of where this whole tribal sovereignty notion came from, and why all of a sudden we are having conferences about it. Since, as it has been pointed out many times today, and in that excellent piece of work that was handed out to you on tribal sovereignty (the selections of different works), the notion of tribal sovereignty has been around at least since 1832. About ten years ago we didn't have any meetings about it and as late as 1958, someone could still advance this doctrine -- this notion -- that a reservation is a lawless sanctuary. The question that I have -- one that occurs to me immediately is, where the hell has the Bureau been all this time? The Bureau has not been having tribal sovereignty conferences all these years, and yet they have been administering the Indian Reorganization Act since 1934. Where have the tribal attorneys been all these years? Instance after instance of tribal attorneys who have been representing tribes for years (and only reluctantly in the last few years) -- have <u>they</u> confessed to the Tribal Councils that the Tribal Councils have the authority to tax, or have the authority to charter a corporation? I understand some of your local chairmen today pointed out to you that if you don't use your sovereignty, you're going to lose it. But there are certain things that have to be done to govern a modern community, and that's true. And yet you'll notice that some of the institutions that have been around for years have suddenly discovered tribal sovereignty, along with some students who just got out of law school and other schools; and some chairmen who just got elected, along with some people who are just having their eyes opened. Suddenly some institutions that have been around for years and have been sitting on this "secret," are riding on the bandwagon saying, "Yeah, yeah, that's right, tribal sovereignty. That's what I have been saying for years." I think that's an important question, what else have they got tucked in there -- tucked down in those files, behind the band analysis, and all the other goodies?

It's been pointed out today what sovereignty is as governmental authority, but look at how its exercised, particularly in this legal system. What do governments do? If you see what other governments are doing, you get some idea of the kinds of things you might be able to do, because unless the power has been taken away from you, in theory you still have it. That's a long process and I think that in the next few years, instead of throwing the notion of tribal sovereignty around, we need some people to sit down and think about what it involves. People are very quick to see an issue where the federal government is not protecting the sovereignty of the tribes, or where the state is trying to encroach on the sovereignty of the tribes. And yet each of us should look for examples and see how much we (ourselves) have given away. Sometimes because we have had bad advice, but very, very often because we were too lazy to protect it, or to exercise it ourselves. And its very easy for us, its convenient for us to say, "Well, that's not part of our culture, so we don't have to do that." Whatever needs we had in the way of governmental needs a 100 years ago or 200 years ago, is relevant to what we should do today, but it is not conclusive. If you had a camp of 200 people, you could keep track of people pretty well. But if you're talking about a million Indians in this country, somebody better start registering births and deaths. And if we don't do it, the state's going to do it; and the state's been doing if for us ever since there have been states, because we weren't doing it. There are some tribes, or some states, where none of the tribes have provisions for divorces in their tribal codes -- no divorce

procedure. Well, maybe the modern concept of divorce doesn't fit easily into what the people think their courts should be doing, but no matter how traditional the community is, it can be a very rude shock when someone dies and it turns out his social security, or his veterans' benefits, go to somebody (else) who he was married to 25 years ago, not having gotten around to getting a divorce, while the woman who has lived with him for the last 24 years and given him ten children doesn't get a damn thing. I don't see any Indian cultural argument against preventing things like that from happening. And yet without moving into areas other than are necessary to running a modern society and without moving into those areas of giving this away, somebody has to do this. And if it isn't us, it will be somebody else. In a lot of these things, we can't take the position that we are only going to exercise those aspects of sovereignty that are "fun." Unfortunately, that's what a lot of people who are talking about sovereignty now, are thinking about. Registering births and deaths, handling divorces, handling domestic relations, child custody, issuance of drivers' license, and license plates -- that's a "nuisance." That's a lot of "work." There's no "fun" about that, and yet its got to be done. If you want the State to do it, fine. But there should be no complaining if the State moves in to do those things. And its hard to draw a very firm line on jurisdiction in one area and not even worry about who is doing it in another area. It's very difficult to maintain a really hard-nosed position if the tribe is giving away vast areas like that.

In the long run what we are working towards -- and I spoke to the Arizona Inter-Tribal Council about this a year and a half or so ago in Parker on something called the FAR Report (which didn't get very far) but what we were working towards then, and a lot of us are still working in that general area -- is a permanent recognition of tribal government within the federal system. Right now, in the minds of many people in Congress and in the minds of many people in the State Governments, Indian tribal government is simply the world's oldest advisory committee system. No power, no future, but a convenience: an administrative convenience for federal agencies who want to spend money on reservations and make Liberals happy about how they do it. And if that's all the tribal government is, we can save ourselves a lot of time and effort by recognizing it. What we are aiming towards, on the other hand, is a permanent recognition of Indian tribal government within this system, so that we no longer have to go to meetings and stand up and compete with each other about who's reservation is poorer in order to maintain status as an Indian tribe. We don't have to say, "Well, my unemployment rate is higher than yours, so I should get more attention or my illegitimacy rate is higher than yours, so I should get more attention or we have more dope addicts than you do." "Yeah, but we have more drunks than you do." And that's the way it is right now; we have to compete with each other because the idea of tribal government and the idea of Indian incompetence and Indian social disorganization are all tied up in the same package. What we're heading towards then is to break that (kind of system) up so that we can solve all the problems we want and not have to worry about self-determination -- but we're a long way from that. And one of the things that's keeping us from getting there, is the fact that we still want to do those jobs of governing that are "fun" and not also the ones that are a "nuisance." But not all of us. There's some tribes that are seriously working towards providing comprehensive government services, but I'm talking about dangerous tendencies in Indian political movements around the country.

I think that we are moving towards a very significant change in the way decisions are made about Indians in this country. For years we have had the judicial branch of the United States to protect us and we have had to fear the legislative and executive branches. I think we are going to be moving into an era of negotiation, where each tribe is going to have to make its own arrangements with the State and Federal Government about how that tribe functions, what functions it performs, on what basis and who's going to pay for it. And these are going to have to be negotiated with the executive and the legislative branches of the State and Federal Governments, because we're moving into the era where judicial decisions about the nature of an Indian tribe are less and less useful.

You've been talking about what powers Indian tribes have, but there is just so much you can say that is true of all tribes. And pretty soon the differences between the Navajo Reservation and the Prairie Island Sioux in Minnesota who have 200 acres and about 50 people, is going to be a crucial difference. The Navajo Reservation, the White Mountain Apaches, or a number of tribes in Arizona may be able to persuade either a court, or a Congress, or the executive branch, that they can legitimately exercise authority over non-Indians on the reservation. And if a law suit goes to the United States Supreme Court based on a set of facts that arises from here, we have a good chance of winning then. But, thats not the way the law develops. As Bill Lavell pointed out today, there have been 850 non-Indian people through that Gila River Tribal Court and its never been challenged. The Puyallup Reservation is noted in song and in story these days for their struggle about their fishing rights; the original boundaries of the Puyallup Reservation cover a good portion of a city -- whatever it is -- Tacoma or something. The original boundaries of the Oneida Reservation take in about half the city of Greenbay, Wisconsin. On the Sisseton Reservation, Indian people are outnumbered probably ten to one by non-Indians, and probably own maybe 10% of the land; thanks to Congress in the early 20th Century. Obviously the problems of exercising tribal jurisdiction over everyone on the reservation, on those reservations mentioned, are much more likely to get into court, and are much more likely to result in an unfavorable decision. But it is going to affect the White Mountain Apaches, the Navajos, and everybody else who may have a completely different situation. We are getting to the point where the facts of the case are crucial and we may all be better off negotiating on our own and making what amounts to political, or really <u>diplomatic agreements</u> about the distribution of power in order to save ourselves. Now, this is a very troublesome notion and we have always tried to say that all the tribes are in this together, and in a way we are. We can support each other, but the details of the final arrangement may have to be negotiated on a tribe-by-tribe basis.

So, while I missed the opportunity to hear several of the Chairmen speak this morning, I have heard comments about how good their speeches were; I know Elmer, and I know Tony, and I know that <u>they</u> know what's going on, and I know that they're aware of these problems coming up. But, there's one more thing that was said today after I did arrive about which I would like to urge you very much to consider. I don't know anything about Arizona politics and I don't know who that dude was that was talking to you -- the Attorney General -- and maybe when he goes back to Phoenix they will kind of giggle and say, "Oh, he don't know nothing." But, if he does, his offer to stay out of the courts and to negotiate could be a very, very significant offer.

I never thought I would see myself, or hear myself doing this, but let me point for a moment with pride to my own State of South Dakota where the Governor about a year ago, for some reason, appointed a task force on tribal-state relations. That task force was given the mandate to look into the entire relationship between the Indian tribes and the State Government under the general understanding that tribal sovereignty was to be respected. This was a diplomatic or intergovernmental matter that was being investigated. This task force has done a series of staff reports, the first of which was on taxation. You may know that several years ago the State of South Dakota and the Ogala Sioux Tribe worked out a tax collection agreement where the State collected sales taxes. And based on a formula that was worked out through negotiation, part of the total state sales tax that was collected on the reservation was returned to the tribe. The point is that the state and the tribe were working tax problems out together. The first task force staff report contained a number of recommendations about the taxation situation in the State of South Dakota and they looked at tax problems frankly and not as tax collectors do, which is: if it moves, tax it; if it doesn't move, tax it; whatever, collect it. But, they looked at it (the tax situation) as lawyers, as scholars, and they quite frankly said to the State, "here's the area where we really think you don't have the power to tax, and here's an area where you may have the power to tax, and here's another area where you clearly to have the power to tax." And they put them all down and they came up with a series of seven very enlightened suggestions, every one of which was enacted into law by the legislature.

The task force is now in the process of looking into the hunting & fishing laws and they're going to be looking into the jurisdiction (question), and a number of other issues. I think if there's a chance to do this in Arizona, its going to do a number of things for you and for Indian people around the country. One of the things its going to do is that it is going to break the "united front" of Indian States. On any piece of enlightened legislation you can be sure that all states where there are significant numbers of reservations, are going to be against it for the usual reasons. If we have, however, one or two states, particularly major states with large reservations like South Dakota and Arizona, we then have a couple of states that are working hand-in-hand with the tribes to work problems out, and everybody is going to be able to turn to Montana or Idaho or Utah or Washington or whoever and say, "Ha, ha you guys are backward." If there's somebody in the Arizona State Government who wants to sit down and negotiate, for Christ's sake, sit down. I think this will have a major effect in Congress and I think if we can start getting competition going among the State governments to see who can be the most enlightened or see who can be the most diplomatic in dealing with the tribes within their borders, we are going to be in pretty good shape. We are going to be able to write our own ticket. I think that it's probably true in some ways that in past years neither the tribes nor the states have been willing to compromise. Both tribes and states have wanted it all or none. I don't think it's true to say that it means the blame lies equally on both sides. The reason I don't think that's true, is that I never heard of a tribe going to Congress and saying, "Look, that state government is all screwed up. Why don't you let us run the whole state." The pressure is only in one direction. So, if there is a need for someone to give a little bit, it seems to me it's the state. If there is a need for someone to convince the other party of their good in-

tentions, it seems to me it's the state. So, I think that if the state is willing, I would very strongly urge you to explore this possibility. It doesn't tie you to anything. If the report of a task force is something that you can't live with, reject it. On the other hand, if the report of a task force is something that you like, go up there and lobby for it and push it. I would very strongly suggest that you float this idea around Arizona politics. But, seriously I would very strongly urge you to explore this possibility.

Also, as kind of a closing thing, I think we're at the point now where we should be developing and working on another technique. And that is when someone helps he often gets things from the tribe that he has helped, but he also gets pressure, counter pressure, from a lot of other people. When the government gave Mt. Adams back to the Yakimas, the Yakimas had a bunch of government people up there and gave them moccasins and said things, and all that. There were a few other tribal people there, but there wasn't a great deal of expressions of support and gratitude from the Indian community as a whole. Now, I know that there's an enormous pressure on the Secretary of Interior right now, on the administration, on the Commissioner of Indian Affairs, on the Solicitor's Office, regarding some decisions that they have made in their discretion to recognize certain Indian rights and to return certain land to Indians. If they only get things from Chemehuevi's, or whoever it is, the entire California delegation is jumping up and down on their heads. Then when they get to the Quechan situation, they're going to be a little more cautious. I think its up to all of us to let them know -- particularly the most political of the animals who are back there and who like to be admired -- that we're watching these things. Not only to thank them for what they've done for some other tribe, but also to let them know that when our case comes up we will expect just as favorable treatment. But, we have got to start playing this game and its not just a game, in a way its a game, but its also sincere, and its something we kind of forget to do. I'm not suggesting that the State Attorney General is your friend, I don't know if he is or not; maybe he forgot the minute he walked out of here what he said. But, I'm suggesting that if there's the slightest sign of what might be called "weakness" in the state government, punch a hole right through it and everybody run through that hole because thats the way the long process of negotiation is. It's the only way we're going to bring this thing to a halt. Otherwise, all the "red-necks" or the "hard-hats," or all the tax collector types, are going to be on you constantly unless you can work out some kind of compromise. So, I would hope that you consider this at your Inter-tribal meetings and at your Indian Commission meetings and talk about what it could be and how it can be set up. And if you're at all interested, I would suggest that you call the State of South Dakota and ask Tom Shortbolt to come down (he's the director of the task force) and explain to you what they've done and how they did it, so that you can see if this is an idea that's right for you and right for Arizona.

As a final matter, I would like to do a commercial for American Indian Law Center. One of the things we do is sponsor a scholarship program for Indian Law students. I would like to think that part of the credit for tribal sovereignty for being such an issue is partly a result of some of the people we have turned out, like Ben Hanley. We are trying to turn out these people who are "on" to these issues, not that he first heard of tribal sovereignty

sitting at the knees of the people in New Mexico, but maybe we helped a little bit. At least we're turning out people like Ben, John Echohawk, Tom Fredricks, and even once in a while I'm almost proud of Martin Seneca, although don't tell him I said that. But, I hope that we're having an impact and that we will have an impact in the future. One of the things we're developing there is something we call the Institute for Tribal Government. Because we believe very strongly that unless the institutions of tribal government are developed and strengthened, we don't have much of a chance and we will be -- as Bill Lavell pointed out this afternoon and as the 10 Circuit claims -- like the Sons of Norway and the Knights of Columbus and the Sons of Italy. We will be a fraternal organization that happens to own a hell of a lot of land for a few more years, but not really governments. So, within the Institute for Tribal Government we are trying to work with tribes on constitutional revisions; on training of various tribal officials, such as our participation in the judges training program; in code revisions and in other kinds of activities that bear on the present and future of tribal governmental institutions. And we are just getting this Institute off the ground although the Law Center has been in existence for a number of years. We look forward to a successful time because I think a lot of tribes are interested in upgrading their tribal government. We take great pleasure in participating with the Menominee Tribe of Wisconsin in writing their new constitution after 15 years of non-existence. We hope to be working over here, or any place the tribes think we have something to offer.

So, thats basically what I have to say. I think as a final, final thing, I would say that if you had a collection of a meeting of tribal chairmen in one room and a meeting of mayors of towns with comparable size and population in another room and through the magic of watergate you tuned in on both meetings simultaneously, I think that all of us would be shocked and surprised. Because we kind of have a tendency to assume that anything the Indian does must be kind of "third-rate" and "fouled-up" and "incompetent" and "not much on the ball." But, we are comparing tribal chairmen with congressmen who have 15 people on their staff and with people at the secretarial level, at the cabinet level. That's who our individual chairmen are being compared with, which I think is about right. But, if you compare them with people from comparable levels of government in terms of money and population, I think that maybe we have nothing to be ashamed of. But, that's not going to stop us from getting better.

Thank you.

THE HONORABLE BEN HANLEY - REPRESENTATIVE:

We all know that words have tremendous power. They can be sources of happiness and peace. They can move us to great ideas and accomplishments. Or they can be the cause of misunderstanding, mistrust, and -- as the history of the world testifies -- terrible war and devastation. As I communicate with you today, on the subject of "Sovereignty and Inter-Governmental Relationships with Arizona's Indian Tribes," I am aware that how you will respond depends greatly on how you individually interpret my words. Let us see if we cannot use language in a constructive effort to create a higher level of compassion and commitment between the white man and the Indian.

I begin with the word "sovereignty." That word has meant many different things to different people. During feudal times, for instance, the word was equivalent to "monarch," "absolute ruler." At other times, "sovereign" has been coupled with superiority and fear, as when the settlers began the Mayflower Compact with the idea that they were "loyal subjects of our dread sovereign, King James."

If I state, then, that I believe Indian tribes have "sovereignty," I want you to understand that I mean Indian tribes have the right of self-government. And this right does not derive from a desire to be superior, or to induce fear, or to become a dictatorial absolute monarchy. Rather, this right derives from the freedom to be different, just as the Federal Government and the states see themselves as coexisting, but diverse, different.

The Indian tribes' right of sovereignty -- self-government -- is not a new idea. As the American Indian Chicago Conference in 1961 concluded:

> "The right of self-government, a right which the Indian possessed before the coming of the white man, has never been extinguished; indeed, it has been repeatedly sustained by the courts of the United States."

Hand in hand with the word "sovereignty" is the word "special." Because of services performed throughout our history, the United States government, through treaties labeled "eternal," has considered the tribes as comprised of "special" citizens. This status, as we all know, has been the source of much misunderstanding and mistrust. At the outset, the United States government -- and ultimately the states -- viewed the Indians as "wards," a word which was somehow intended to mean "special," but which actually meant non-citizen, non-person. The results of these meanings attached to a word were, for example, that Indians would wait to vote until 1924 -- and until 1948 in this State. Because "special" meant "non-citizen," it was not until the 1930's that Indians had a voice in formulating the policies that affected them directly.

Another word which came to symbolize misunderstanding and weakness was an offshoot of the government's stated desire to aid the Indian, in this case by placing ownership of tribal lands on a "trust" basis. Through use of this word "trust," the Indians' right to "special" citizenship was recognized, but the results were anything but "special": tribal governments did not have final responsibility for policies, with the effect that sovereignty, self-government, was prohibited.

So that we do not misunderstand one another, let me repeat at this point that the tribes do have sovereignty -- right of self-government -- and that Indians are "special" because treaties, laws, and court decisions have granted them special rights: above all, the right to be different.

If we shift our focus to state governments, we find the same roots of misunderstanding and denial that pervaded the national government for decades. As a matter of fact, the Supreme Court noted in 1885 that, with regard to the Indian tribes, ". . . the states are often their deadliest enemies."

As we all know, the states have always fought for their own sovereignty, as guaranteed by Article Ten of the Bill of Rights. In its first sixty-two years, there is no question that Arizona has vigorously opposed federal intervention into areas preserved for the states. With this tradition, then, it seems incredible that states have so uniformly failed to respect, preserve, or defend the sovereignty of the Indian tribes. The states have, in many cases, not even attempted to perceive the Indian as a special citizen. They have scarcely concealed their view of the Indian as, at best, a "second class entity," at worst, a non-creature of the state. The result has been that the Indian has been denied goods, services, programs, and protection.

The states seem always to have been unable to define their relationships to the tribes, especially economically. For various reasons the states have sought to subvert the Federal Government's acknowledgement of the tribes' right of sovereignty and status as special citizens. In the face of the Enabling Act and other clear guidelines, Arizona has continued to conceive, draft, and attempt to execute taxation upon the Indians. Perhaps the root of the problem can be traced to a question: Does Arizona believe that Indians contribute to the State economy? Well, the proof exists -- and it is irrevocable -- that they do and that they have done so willingly because they respect the sovereignty of both the national and the state government. Everyone can bear witness to the payments of such taxes as gasoline and sales (in the latter case, I speak particularly of off-reservation payments). But we must envision the entire picture. Indians in Arizona simply do contribute enormously on the basis of reservation industries, the work of the tribal unit.

One would suppose, of course, that the Indians' commitment to the State would be matched by an equal State commitment to the tribes, but the truth is that more tax dollars are derived from the reservations than ever return in the form of services.

In discussing relationships between the State and the tribes, then, we return to the words "sovereignty" and "special." If the State of Arizona does not accept the United States Government's and the Indians' meaning of these two words, then the harvest will be marked again and again by the approach taken by residents of southern Apache County. None of us wants the bounty of the State seeded with mistrust, destruction, alienation. And the tribes do not want the State to see its relationship as that of paternalistic agent. As the 1961 Declaration of Indian Purpose states: "What we ask . . . is not charity, not paternalism, even when benevolent. We ask . . . that the nature of our situation be recognized and made the basis of policy and action."

As with the federal government, so with Arizona, the need is clearly that of acknowledging, respecting, and seeking to preserve Indian tribal sovereignty. As with the federal government, so with Arizona, the need is for acknowledging, respecting, and enforcing the tribes' rights as special citizens. As with the federal government, so with Arizona, the need is for economic -- especially taxation -- policies conceived, executed, and enforced coequally. As with the federal government, so with Arizona, the need is for acceptance and defense of the Indians' right to be different.

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The tribes of this State really desire, then, that we all emerge from the time when words like "ward" and "non-citizen" and, as one historian put it, "stepchild" are used either in our thinking or our actions. We want to help create a time when words like "sovereign" and "special" and "coequal" to work for us, in strengthening inter-governmental relations between Arizona and the tribes.

First, let us together increase the policy power of this organization, the Arizona Commission of Indian Affairs. This body provides a natural forum for the creation of policy, but not unless such policies are designed and understood to carry weight. Increasing policy power would -- and this is a critical idea -- help desiccate the distrust and disunity that has often characterized past inter-governmental relations and policies between Arizona and the tribes.

Second, let us together establish a legislative affairs office between the tribes and the State. Not only would tribal cooperation and understanding be advanced by such an idea, but also communication between the tribes and the State would be increased. And, as I have stressed throughout, the results of communication can be precisely this: that understanding, compassion, and equality will be allowed to replace misunderstanding, distrust, and inequality.

Third, let us together create commissions that have as their task the compiling of information about, and suggestions of remedies for, common problems: taxation, economic development, welfare, education, and health. Once again, these commissions would bring us together as coequal partners in the orderly development of both the tribes and the State.

Fourth, let us together conceptualize, draft, and then propose legislation in order to deal with problems between Indian tribes and the State. I am sure we can see the advantage of such a dialogue leading to action. Legislation could be truly representative of the sovereignty that we would both honor and respect as between the tribes and the State.

In the largest sense, there is a common bond in the four ideas just mentioned. That cohesive force is communication. I deeply believe that direct, clear, well-motivated talking to one another can accomplish what must be accomplished in relations between the tribes and the State: the recognition, acceptance, and preservation of sovereignty for both entities.

I said at the outset that words have tremendous power. Well, they can have shared meaning also, when spoken in an atmosphere scented with respect and equality. When Vice-President Gerald Ford became President, Time magazine's cover displayed a photograph of the new Chief Executive and a banner reading: "The Healing Begins." Regarding the sovereignty of the tribes and intergovernmental relations with the State, I suggest the following Time magazine cover for us in this room: a photograph taken now, of all of us, and a banner reading: "Let Us Begin to Heal."

Thank you.

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REPORT ON PANEL DISCUSSIONS AS RECORDED BY ANDY BETTWY, JR., TOM WOODS, AND TONY MACHUKAY; SUMMARIZED BY COMMISSION MEMBER BILL SMITH:

We have never really established a procedure to this point of the Indian Pow-Wow and we're not exactly following the non-Indian Arizona Town Hall. I have had a meeting with the three recorders. Each of the recorders from each of the three sessions this morning will prepare a detailed report from their notes on what was discussed in each of the three sessions. What the three of us attempted to do before lunch ends was to extract some of the comments from each of the three groups on their discussions and their recommendations. These are quite brief and I'd like to go over them now with you. Verify that you may hear me say something that was not in your group because it may have been discussed in one of the other two groups. Some of the things I will say were things that were discussed in all three groups and there will be some recommendations that came more or less from all three, although added parts came from each individual group.

First, there was long, detailed, and excellent discussion of what is sovereignty with full realization of the economic, the cultural, the political, and the legal ramifications of that word sovereignty. As some of the groups went further into the definition and the basis of sovereignty, there was general agreement that in relation to our Indian tribes, sovereignty came from two sources -- the aboriginal rights and the actions by the Federal Government. And under those actions by the Federal Government we should consider the treaties, the executive orders, the congressional acts. Now there were several things that seemed to be in agreement with all the groups pertaining to sovereignty and the Indian tribes, and let me read these to you:

1. That the enjoyment of sovereignty by Indian tribes is not absolute.

2. The failure to take affirmative action to exercise sovereignty by an Indian tribe does not operate to destroy sovereignty as a matter of law.

3. That any exercise is presumably valid. Any exercise of sovereignty by an Indian tribe is presumably valid unless in direct conflict with congressional action.

4. The State of Arizona does not enjoy the power to subject an Indian tribe to its jurisdiction except as Congress permits.

Those generalizations ran pretty much through all the groups. The recommendations that came out are several. They are not exclusive one of the other; they overlap and we did not put in all of the words pertaining to some of the recommendations. Those will be in the full reports by the recorders. And these are in effect our recommendations to the Arizona Commission of Indian Affairs and the various State agencies:

I. That there be established a clearinghouse which purposes shall be the monitoring of all state legislative and regulatory action.

1. To monitor all actions of the State Legislature, the bodies created by that Legislature, and the regulations issued by those various bodies.

2. That this clearinghouse also provide model legislation for tribal council action and to provide material which will be helpful to the particular tribal councils as they may come to grip with the exercise of sovereignty in their own particular areas.

II. The Inter-Tribal Council should further become an instrument to create and develop better and more direct relationships between tribal governments and local and state governmental units.

III. That state funding be provided for the Inter-Tribal Council.

IV. That the Inter-Tribal Council should work in response to the Attorney General's invitation, as expressed yesterday, to attempt the discussions and negotiations that might permit the solving of the problems that now exist by conflicts in sovereignty, and for other reasons, between the Indian tribes, state government, and local government. In other words, we believe the Attorney General yesterday invited the Indian tribes to begin a process in negotiation for the settlement of difficult areas--black areas, white areas, gray areas--through negotiation, not give up their rights of litigation or through any other means, but that this method of negotiation could firm up and define these rights again.

V. That the Arizona Commission of Indian Affairs request the assignment of a full-time assistant Attorney General to aid in the accomplishment of all of the above recommendations. In other words, whereas we have had a part-time assignment, this will be hopefully a full-time so that this individual could work with and through the Arizona Commission of Indian Affairs to aid and assist the Inter-Tribal Council and all other entities for the purposes that I stated previously.

VI. That the election of Indians to the State Legislature is, and can be even more in the future, a great benefit in promoting a better understanding between the Indians of Arizona and the non-Indians and all of the governmental agencies.

Now, those are a very brief summation of many pages of notes taken by the recorders which will be transcribed and which will be available. Do any of you care at this time to discuss any of those particular recommendations? If not, I think we could consider, hopefully, that those tend to be the consensus of all three of our discussion groups this morning.

Thank you.

GARY THOMAS - FEDERAL RECAP (FINAL ANALYSIS AND RECOMMENDATIONS)

I would like to thank everybody for the opportunity to speak here. I have really enjoyed it up here; it's a beautiful place. I just wish our reservation had something like this. What we have there you can fish off the rocks, but there is no water up there.

I don't have anything prepared on what we've had here today and yesterday other than just to get a very good feeling. This is the first time that you ever sat down and really though about what sovereignty really means. You think, "Oh boy, we have it and we're going to do it, but what is it?" In a sense, what I think we've found through the discussion groups is that there is this possession of power, inchoate powers really, not fully exercised yet. Like my colleague and friend, Elmer, so beautifully puts it -- "Let's exercise it, by golly, let's exercise it." We don't know how many there are, we don't know how deep it goes, but go ahead and exercise it. But, it can't be a reckless or blatant attempt at enforcement of laws because there is a limit to it; there's an outer limit to it. The narrow limit is the 1968 Civil Rights Act. When a tribe gets feeling too much behind its power and deprives a person of his liberty and maybe his life and maybe some of his property, that federal court is going to come down with all four feet (if it had them) -- and they know you get (copies of) the '68 Civil Rights Act decisions, and some of the suit cases that come out (including Washington cases) wherein a tribe has exercised that power; but very shakily and very recklessly sometimes. So, exercise that power and think about it. Think before you enact anything. The 1968 Civil Rights Act was one of the limits.

One other limit is that awesome power and that thing called Congress back there. That nasty word "termination" is probably the fullest power as Lone Wolf Hitchcock described it. "Disciplinary power," that is to say there should be no more trust relationships between the Indians and the United States Government, no more land; that is, let the States take it over. Thats another limit that you can go. But, why hasn't Congress done it? They've tried the whole history of the United States in Indian affairs. Well, even back in the 1700's, 1780's, the Secretary of War came out with a memorandum, "How do we deal with the Indians out in the West?" Well, the West then was Ohio and Indiana. How do we deal with them? Well, we can do it in two ways: we can wage war on them, conquer them and take them over -- that's one way; or we can deal with them as full nations with full treaty powers and deal with -- in that sense, contract with them. Fortunately, they couldn't afford the wars and as a matter of expediency they took up with the treaties.

Then came the upsurge in 1934. "OK tribes, you get another chance. Go ahead and become the self-governing body." They breathed a sigh of relief then because that ended the General Allotment Act. But, that didn't last very long because in 1953 they tried it again and they did it with maybe fifteen tribes, the Menominees, the Yakimas. Also, I don't think Congress would want to live with that. Fortunately, they've made amends to bring back the money and establish that trust relationship again.

Then, as if the termination law wasn't enough, they enacted Public Law 280, which is another attempt. But I can see that the reason that those policies came out was because maybe the Indians weren't doing it themselves. Like

the 1968 Civil Rights Act, "Go ahead, State, assert your jurisdiction over these Indians and give them this full protection and make them citizens." But that's because a tribe in those times didn't have, maybe, a law and order code or a tribal system or tribal court system. So, they let the States do it. Well, unfortunately, the 1968 Civil Rights Act is another piece of legislation that doesn't make you too happy; that again was like Public Law 280 which was forced on all the tribes without much consideration given by the tribes; they really should have thought about it.

Then came the 1970 Message of President Nixon, which is another welcome sigh of relief like the 1934 Act -- which self-determination became the sense of the policy of Congress or the policy of Executive. But the self-determination of what? That's the thing, to what are you self-determining? Does this mean that we are going to give you all your sovereign powers, everything except the power to declare war on us, and power to enter treaties with Mexico or Canada; powers to that extent? That would be very nice. But, unfortunately, the creator of the 1970 Message went down in flames too, so, we don't have now any clear-cut statement of what's going to happen. Is Ford going to endorse that 1970 Message of self-determination? Could Congress come out with another resolution entirely opposite that of Joint Resolution 108 which says that it is the sense of Congress to assimilate the Indian tribes as fast as we can? Could they come out with another one in 1975?

It is a policy of Congress to let the tribes exercise the jurisdiction they want. The States should allow them to develop as fast and as full as they can and not impose any barriers, and to cooperate with the tribes and give them as much assistance as they can. I imagine the thought of States having to deal with the Indian tribes as co-equals is not very easily swallowed. Because you look at them they'll say, "Oh my gosh, how do we treat them as a co-equal, a small tribe like Cocopahs as our equal? How can we sit at a table with them without having the feeling (that paternalistic feeling) again of, 'Gee, we're bigger than you are. You know we'll help you out.'" It's not that! It's co-equality; this mutual respect that has to be built up. And I think mutual respect will be built up when Elmer exercises his sovereignty, when resolutions are passed, when ordinances are enacted that make for a nice strong powerful tribe that the people outside the State can say, "Boy, they are really sophisticated." And that's true, tribes are very sophisticated. They just don't get to see us all the time.

Just in conclusion I would say then to exercise the powers more. But, before you exercise them, just take that time to think what the impact is going to be because it will have an impact. Hopefully, there will be no State jurisdiction left after this session when we get talking to Warner Lee, which is a nice saying. Also, because you don't have to see him across the litigation tables, you can sit down and have coffee with him, maybe, instead of having a fight. But, it's just to exercise the powers -- they're there. Because they're not exercised doesn't mean they're lost, it just means they're inchoate and unborn yet; but they're there.

Thank you.

ELMER SAVILLA - STATE RECAP (FINAL ANALYSIS AND RECOMMENDATIONS)

Thank you. Well, I have to first say that I have really enjoyed this session. These two days have been one of the finest in terms of Indian thinking that I have ever attended.

The words I heard spoken by Indian people are indicative of the big change that's coming over Indian country, especially in the last two years. I personally have seen a revolution coming along -- not one of violence, although history again has proven that all good and lasting social changes, primitive social changes, have come about to some act of violence. There's never been a lasting social change made without some violence and I think we've had that. We've had the AIM Group, who in a sense, were our shock troops. So, we've had that type of advance action and it's been up to the responsible leaders to pick up the ball and do something with the attention that was drawn to the problems of Indian country. So, this is the type of revolution that I'm talking about; there's been a change from the old ways of letting the Bureau of Indian Affairs do it for you to "let me do it myself." And it's still meeting opposition, but it's working slowly. So, that revolution is still underway and probably will take place in a few years more.

All of us here, most of the Indians anyway who are elected people from your tribal councils, have a deep responsibility to your people back home. So many times, this is forgotten in far away places. If you remember, last year Miss Indian America took us all to task, that is -- the tribal chairmen, for spending too much time sitting on that curved table back there. That is, those other guys doing things that you know weren't really what you might call, tribal affairs. Anyway, this is true in a lot of cases, you know with that out of sight -- out of mind. So, we do things that are not consistent with the respect, integrity and the reputation of tribal leaders. So, in a lot of cases, criticism is deserved.

But here at this meeting, we have seen responsible people at work and in carrying out that responsibility to those people back there. You know, an informed people is a great asset. It's when they're not informed, that eventually leaders run into trouble. With that in mind, I do hope that what has happened here, you will go back and inform them of their sovereign rights and your efforts to reach that goal someday.

So, the realm of leadership, I think with this revolution that is going on now you have another responsibility to the Indian image. It's up to you, to change that with a new type of leadership, responsible leadership -- a thinking one. I was talking just before the meeting started this afternoon with Tony & Ronnie, saying "that I was going to change myself after this session, from now on, no Mr. Nice Guy." In my opinion a good leader is one who dares to break from the ties of the past; the traditional ways of doing things. Because if you look back you can judge this for yourself, how much you have to change by looking at the record of your tribe. What were the things that stopped your tribe from developing before? A good leader will come along and assess those things and dare to make changes, even in face of a lot of criticism. Because changes always means criticism, no doubt about it. It's going to come. But you have to have a certain amount of courage to take that back and change those things and hold to it. You may not be in

office next year, but at least you tried. So, it takes guts. In carrying out that leadership you also have to decide what kind of a role you're going to play. An old saying about leadership: "If you're going to get something done, you've got to either lead -- be a leader, a follower, or get the hell out of the road." So, one of those three categories you're going to fit into. And where you fit, means a lot of what type of an organization gets things done for you. Inter-Tribal, for instance. If you're going to be a leader, let's get out there in front and push those Indian ideas or if you're going to be a follower, let your leader bring up the ideas and back him up or if neither one of those, just get the hell out of the road. So, with that in mind, you see, Inter-Tribal has a great role to fulfill. But I would suggest, that you at least, commit yourself to making that Inter-Tribal a strong one to carry out those things you heard suggested today. A lot of good suggestions. You can accomplish almost any one of the suggestions, the goals that were suggested, if you would do, one of the first two suggestions -- either lead or follow. You can accomplish anything as a unit.

So, the idea of development -- getting things done, sovereignty, whatever it is -- has got to start at home; back on your own reservation. That's where it's got to start. You can't come to Phoenix and expect to change things overnight back on your own reservation, because like charity, and everything else, begins at home. Unless you improve conditions back home, and then carry those ideas out to other organizations, you're kind of marking time, maybe a step back. But starting at home. One good place to start would be with that agency that's closest to all of us, that provides service close to us -- and that's the Bureau of Indian Affairs. There's good and bad in every agency; but it depends on the people that's getting the services that they answer to, the people that the Bureau answers to, these are the people that are going to be able to change things. You should insist that the Bureau do those things that they promised to do and not get away with a job half done and leave you. A job half done doesn't do anything for your people, it just means you're going to have to wait until next fiscal year or whatever. That's where you should start, is at home. Get those services coming. Insist that you get what's coming to you. If the Bureau doesn't recognize your rights at home, how in the hell are you going to get some other agency to know what your rights are and respect them. You know it's kind of that simple -- you first have to start at home and get that respect. Get them to know what your rights are because they really don't know. And then you can carry that farther because it will help you too. You never learn unless you get out there and do something. You can read all the books in the world, but you're not going to learn how to do that thing until you pick up the tools and go out and actually do that job or say those words. That's the way it's done -- by doing, being active.

So, the other part of doing all these things -- getting out and doing things and making talks and so forth -- you have to kind of, in the final analysis if you're going to gain respect, you've got to walk like you talk. In other words, do what you say. They call that "hypocritical" if you say one thing and do another. So, that's one of the pitfalls in saying too much, too many times, and then not doing those things that you say. So, we're continually surrounded by pitfalls. And we have so much to watch because we're a growing people, a growing nation. We are going to make a lot of mistakes, but we ought to learn from them.

Now to recap for the State, the Indian positions and viewpoints. As I see it here, anyway, they have again put a tool in our hands -- the Attorney General and the other people here, have made some real good suggestions. As I mentioned yesterday, down through the years, Congress from time to time has given us tools and we didn't use them. So here again, you have a tremendous tool in your hands. The Attorney General yesterday opened his door to you. Mention was made of a task force to do certain things. Mention was made of strengthening Inter-Tribal with funds. So, the tools are here. The elected tribal officials that are here today, I extend a challenge to you to make Inter-Tribal work within the next year. Last year, a year ago, we were all here at a water rights meeting. And during that meeting, everybody got worked up and excited about enforcing their water rights and we were going to do great things. And to this day, I don't know what happened. Two weeks later we looked at each other and said, "What happened? What do we do now?" A month went by, two months, and eventually it was forgotten about. All that drive and all that determination we had -- the will to do -- disappeared. So, again you dropped the ball. So, here again today, we have a great opportunity to pick that ball up and say, "by-golly, this time I'm going to make it work. I don't know what he's talking about; but whatever it is, I'm going to try to help him." I hope that's what you say.

So, I think that's probably the greatest thing I got out of these two days -- that it's possible now to do things. We got the tools. We got the Attorney General who says he's going to talk to us for a change. Hawley, who had to leave early, one of the last things he said was, "do it or request it from us and we'll sure do everything we can to help you." Now, whether consider him, the State, or whatever, as a friend or an enemy as any other bureaucracy is a nature of choosing intelligently or try putting that brain to work and saying, "Hey, this guy Hawley, or this guy Lee, I think he means what he says." So, how are you going to find out unless you try it. It's not going to do you a damn bit of good to go back home and say, "Ah, he was giving us the same old lines again. He doesn't do us any good." Well, that was one of the old ideas the old Indians still tell me -- "Why are you doing all these things? It's not going to do you any good. Next year you're going to be sitting down here with us and you're going to be in the same spot." This is what the older people say. What I'm saying is -- "Let's dare to be different, let's dare to be new, let's dare to get that job done!" That's the challenge I give you tribal leaders. So, it's all on your shoulders once again. If all these notes I got here, and what's down on black and white around the room, is going to mean anything at all, now's the time to do it. Otherwise, we are going to have to wait until next year, next August. We will meet here and work something else up again and somebody else will be standing here saying what a great two days it was. That gets old and repetitious and tiresome. Just like when they used to talk about unity. Every meeting you went to that was the theme: "Let's unite." Well, they finally got tired of that. Then came self-determination and they stopped talking about "Let's unite, let's unite." They talk about "self-determination." Suffering is a good analogy. A person suffers as long as they want to. So, you're going to be in that same port, you're going to stay down there hollering about sovereignty, self-determination, just as long as you want to. You don't have to stay there. All you have to do is get up on your feet and walk and you won't have to return to that same dirty position anymore. You'll be in a new better position. I'm not going to promise that you'll drive a cadillac, but at least you won't be crawling anymore. You'll be walking.

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So, that's all I have to say now and I wish you the best of luck on your local reservation affairs. And if in anyway we can help any of you through contacts, visits, or whatever, I personally will be glad to help you. And I'm sure, of course, that the officers of Inter-Tribal -- Harold Schurz is 1st Vice-President and Sterling Mahone is 2nd Vice-President -- I'm sure that they would extend the same offer to you. But we can all help each other by getting together and making Inter-Tribal something to really be proud of. Something that other States could point to, and other Indians from other States can point to, with pride and say, "Look, Arizona's got a tremendous Inter-Tribal." And that's one of my dreams and hopes. Whether it comes about or not, we won't know, unless we try. So try, please.

Thank you.

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January 24, 1975

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